

**CAPE COD REGIONAL GOVERNMENT - ASSEMBLY OF DELEGATES  
HARBORVIEW CONFERENCE CENTER @ 4:00 PM  
BARNSTABLE COUNTY COMPLEX  
3195 MAIN STREET  
ROUTE 6A, BARNSTABLE, MA 02630**

**APPROVED Journal of Proceedings - August 15, 2018**

**CALL TO ORDER**

**SPEAKER MCAULIFFE: Good afternoon. This is the Cape Cod Regional Government, the Assembly of Delegates. It's Wednesday, August 15<sup>th</sup>, at 4 p.m. and we're in the Harborview Conference Center.**

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

(Moment of silence.)

**SPEAKER MCAULIFFE: Thank you.**

Please rise for the Pledge of Allegiance.

(Pledge of Allegiance.)

**SPEAKER MCAULIFFE: Thank you.**

Will the Clerk please call the roll?

**ROLL CALL ATTENDANCE**

**Present (65.36%): Ronald Bergstrom (2.84% - Chatham), Mary Chaffee (4.55% - Brewster), Peter Hughes (5.67% - Harwich), James Killion (9.58% - Sandwich), E. Suzanne McAuliffe (11.02%-Yarmouth), Susan Moran (14.61% - Falmouth), John Ohman (6.58% - Dennis), Brian O'Malley (1.36% - Provincetown), Linda Zuern (9.15% - Bourne).**

**Arrived Late (7.76%): Lilli-Ann Green - (1.27% - Wellfleet – Remote Participation @ 4:05 PM), Thomas O'Hara (6.49% - Mashpee).**

**Absent (26.88%): Christopher Kanaga (2.73% - Orleans), Deborah McCutcheon (0.93% Truro), Patrick Princi (20.92% - Barnstable), VACANT (2.30 – Eastham).**

**CLERK O'CONNELL: Madam Speaker, you have a quorum with 65.36 percent of the Delegates present; 34.64 percent are absent.**

**SPEAKER MCAULIFFE: We may have people calling in. So, if I do here that, I will acknowledge them and bring them into the meeting. I think there are two people who were planning on calling it today. So, we have a quorum.**

**CALENDAR OF BUSINESS FOR APPROVAL**

**SPEAKER MCAULIFFE: Is there a motion for the approval of the Calendar of Business?**

**DELEGATE OHMAN: So moved.**

**DELEGATE CHAFFEE: Second.**

**SPEAKER MCAULIFFE:** Is there any discussion? All those in favor? Aye. Any opposed? All right. **The Calendar of Business is approved.**

### **JOURNAL OF PROCEEDING OF 8/1/18 FOR APPROVAL**

**SPEAKER MCAULIFFE:** Approval for the Journal of August 1, 2018; is there a motion?

**DELEGATE MORAN:** Yes.

**DELEGATE O'MALLEY:** Madam Speaker, I move approval of the Journal as distributed electronically for 8/1.

**SPEAKER MCAULIFFE:** Is there a second?

**DELEGATE CHAFFEE:** Second.

**SPEAKER MCAULIFFE:** Any discussion? All those in favor? Aye. Any opposed? **It passes unanimously.**

### **SUMMARY OF COMMUNICATIONS FROM THE BOARD OF COUNTY COMMISSIONERS**

- **Commissioner Cakounes updated Assembly on board actions of 8/8 and 8/15/18 meeting**
- **Commissioners received presentations from Tales of the Cod and county Waste Management and Recycling Coordinator**
- **Commissioners discussed House Bill 4841 – referred to as the Airbnb tax**
- **Commissioners issued a proclamation to honor Charles Eager – former county commissioner who passed away**
- **Commissioners issued a proclamation declaring September 9<sup>th</sup>, 2018 Suicide Prevention Awareness Week**
- **Commissioners made appointment to Children's Cove Advisory Board**
- **Commissioners accepted a grant for the AmeriCorps Program**
- **Commissioners executed various contracts**
- **Commissioners authorized County Administrator to retain Special Counsel to address issues related to county owned real property including properties located in Bourne – county counsel represents Bourne – so he will recuse himself from this process**
- **Commissioners granted use of county complex grounds for special event**
- **Commissioners took several actions related to personnel issues effecting AmeriCorps staff**
- **Commissioners approved the dissolving of several Septic Betterments**

**SPEAKER MCAULIFFE:** All right. So now we go to communications and report on County issues from the Board of Regional Commissioners. We have Commissioner Cakounes with us today, welcome.

**COMMISSIONER CAKOUNES:** Thank you, Madam Speaker. I have two meetings to report on you on today. One is the August 8<sup>th</sup> and today's, August 15<sup>th</sup>. So, we'll start on August 8.

The very first thing that I'd like to report that happened on August 8<sup>th</sup> is we had a

very nice presentation from the Tales of Cape Cod, and the two gentlemen that showed up from the Tales of Cape Cod asked us to participate in what they called “Cape Cod Declaration of Independence.”

So, if I may Madam Speaker, I would like to table that one topic and come back to it at the end of my report because I do have kind of a lengthy explanation on that. And I’d like to get through the general business relatively quickly, if that's okay with you?

SPEAKER MCAULIFFE: Okay.

COMMISSIONER CAKOUNES: We had a presentation from Kari Parcell, our Regional Waste Management and Recycling Coordinator of the Cape Cod Extension, regarding waste management. It was an excellent presentation, and I would highly encourage through your Clerk that you also may want to have your committee updated on the efforts from the County in regard to, again, a regional waste reduction.

We had a discussion regarding the House Bill No. 4841, which is the one that everybody's calling the Airbnb tax. And the reason I put that on the agenda is because at the time it had passed, I believe it had just been amended by the governor and it was still looking like it may pass; it has to go now in front of informal session, I believe, to okay his changes to it.

The reason why we wanted to talk about is because in that bill, and I highly suggest that you all get copies of it, there is a distinct connection to a board or committee locally which will be advising how the monies shall be spent that are collected through this new Airbnb tax. And as you read the Bill, you will find that the committee very much mirrors the committees that we already have in place here in Barnstable County; Cape Cod Water Collaborative is one of them and then the new recently put together Coastal Management Committee.

So I wanted to bring that to the attention of the players so that if, in fact, this Bill does get passed that whatever efforts we need to do here in the County to make our existing committees be involved in that disbursement of monies I think would be a plus, not only for the towns because they don't have to, yet again, establish another committee, but these are people that are already involved in this.

SPEAKER MCAULIFFE: We have someone calling in. Who's calling in? Hello?

**DELEGATE GREEN: Hi. It's Lilli Green, Wellfleet Delegate (Remote Participation)**

SPEAKER MCAULIFFE: Hi, Lilli-Ann. Do you have -- can you give me the reason for calling in, please?

**DELEGATE GREEN: Yes, geographic distance.**

SPEAKER MCAULIFFE: Okay. Thank you, very much, Delegate Green. We are just starting the Commissioners' Report. Thank you.

DELEGATE GREEN: Thank you.

COMMISSIONER CAKOUNES: Is that someone else?

SPEAKER MCAULIFFE: Is that someone else calling in? Patrick? Okay. Thank you.

COMMISSIONER CAKOUNES: Okay. We also went on to some regular business. We had an authorization of a proclamation honoring Charles Eager. Charles Eager was a Chairman of the Barnstable County Commissioners, and I'm very sorry, I don't know how many years he served, but he was a great public servant, so we had a small ceremony

honoring him and his passing.

Authorization and proclamation declaring September 9<sup>th</sup> as the “Suicide Prevention Awareness Week.” And in coordination with that, we actually had a grounds use request for the same reason. We did have a number of appointments, one to the Children's Cove Advisory Board, and then we also had the acceptance of the AmeriCorps Grant Program. And as you all know, that begins on August 15<sup>th</sup>, today. So last week on the 8<sup>th</sup>, we did accept the grant. It was in the amount of \$357,472. So that program is moving forward.

The authorization and award for a couple of contracts, and we also had a contract with the Housing Assistance Corporation for the monitoring of the HOME Consortium. We did not have any Certificate of Betterments at that time.

And that brings us really to today's meeting. Today's meeting, once again, we had approval of the minutes. I did not neglect to mention that on the August 8<sup>th</sup> meeting we approved the August 1 minutes. Today we approved the August 8<sup>th</sup> minutes.

Today we had a discussion and we actually did authorize the County Administrator to retain special counsel related to County-owned properties and pursuant to the Administrative Code Section 2.3(c). And that was in response to the fact that the County does own property in the Town of Bourne. We have quite a large piece of property. As many of you know and have heard me talk about it earlier, the old AmeriCorps house is located, and I refer to it as old one because we are not using it in FY'19. That is located on this particular piece of property. There are two other homes. One was the Elder Services and the other is used as kind of a thrift store.

The Commissioners have authorized me and staff to look and work towards cleaning up this whole relationship of these dwellings on this piece of property. It has come to our attention or, actually, we knew this all along, but it has come to the point that County Counsel can no longer -- does not feel comfortable aiding us in answering any questions in regard to this property because County Counsel is also the Town Counsel in the Town of Bourne. So, he has graciously sent us a letter and the Town of Bourne. He has recused himself from any dealings with that property in either the disbursement of or reuse of, and he advised us that we should get special legal counsel and both the Administration, and the Commissioners agreed to that, and today the vote was taken to authorize Jack, the Administrator, to hire special legal counsel in that regards.

The authorization and approval for ground use; we had, again, a request from Harbor to the Bay, Inc., which uses the County complex parking lot. This will be their 16th Annual Harbor to the Bay AIDS Benefit Bike Ride. And, again, we authorized that.

We had three things, actually four things that dealt with AmeriCorps. I will go through them very quickly. The first one was it was a vote to authorize and advance vacation days for the new supervisors coming in in FY19. And it was explained to us at the meeting, so you can watch the meeting if you want to see the department heads' explanation, but I've been around so I know why we do this. We hire these people on a one-year contract, and our personnel bylaw says you have to work a year before you can get vacation time. So, these people will be leaving next August, and we felt that they were deserving of 10 days' vacation time in the year that they will be here. So, we did authorize for them to use up to 10 days for vacation time in their service or the time that they're here.

The second one is a “No Pay Out Clause,” and that goes to the ones that are leaving. Those ones that are leaving that did not use their 10-day vacation time cannot put in for

monies, direct payment, like any other employee could because these are one-year contracted employees under a grant. They're not allowed to put in for a cash payment of non-used vacation days.

We also have a waiver of two individuals that do not live in the state of Massachusetts, and we saw no problem with that because, once again, these are one-year contracts, and we know that these young adults are going to go back to their home state, if you will, and either continue their schooling and education or finding another job there. So, it's kind of crazy to require them to be Massachusetts residents for the short time that they're here.

And the fourth thing that we did is we actually established the fund for the \$357,000 that I reported earlier that we accepted from the Feds for the funding of the AmeriCorps project.

We also had a renewal of a contract between Barnstable County and the Housing Assistance Corporation, and this is in regard to them handling and helping us taking over the HOME Consortium Pay Down and Closing Costs Program. It just seemed smarter for us to deal with them as we have in the past.

We did have an authorization and execution of dissolving septic betterments which I did sign today.

So that kind of, in a nutshell, is the business aspect of our meetings. If you want, Madam Speaker, I can open up for questions or I can go right to --

SPEAKER MCAULIFFE: Why don't we do questions, and then we can do --

COMMISSIONER CAKOUNES: Elaborate a little bit on our --

SPEAKER MCAULIFFE: -- the Tales of Cape Cod.

COMMISSIONER CAKOUNES: Right.

SPEAKER MCAULIFFE: Right. Yes, Delegates Zuern.

DELEGATE ZUERN: Thank you, Madam Speaker. I watched part of your meeting this morning, and you had mentioned that the Town of Bourne was interested in the property that you were just talking about, and that according to the Bylaws or the Charter, you can offer it to the state first, I think, and then to the Town. Can you elaborate more on -- you said that they were interested?

COMMISSIONER CAKOUNES: I will not elaborate at this time the Town of Bourne's interest on the property. I don't think it's right and fair to the Town of Bourne. That should be something that they should say publicly.

I will state though, for the record, that the Charter does require us, the County, that when we are dispersing of any lands owned by the County that we must offer it to the state first and then the town in which that land is located in.

So just in the possibility that they are interested in it, our County Counsel has said, you know what, I'm going to recuse myself from this, step back and has advised us to get special legal counsel. But I cannot nor, will I comment one way or another if the Town of Bourne wants to do anything at this point. I don't think it's proper.

DELEGATE ZUERN: Okay. Thank you.

SPEAKER MCAULIFFE: Any other questions? Yes, Delegate Ohman.

DELEGATE OHMAN: I just want to follow up. Thank you, Leo. Thank you, Madam Speaker. Can you clarify, if we offer this any of our properties if we want to sell them they go through the state, you said, first and then to the host town. Can we set that to a

market value, or do we have to go back to what we bought it for? What is the processed based on?

COMMISSIONER CAKOUNES: No, it's based on appraised value.

DELEGATE OHMAN: Appraised value.

COMMISSIONER CAKOUNES: And the way it is done in any market, usually, is the seller appraises it, the buyer appraises it. They sit down if they can't come to some negotiation maybe they hire a third appraiser that they each agree on, but it's all done through appraised values.

DELEGATE OHMAN: Good. I was thinking -- because I was thinking we have a very valuable 6-acre lot on Phinney's Lane at Route 132 that is, you know, quite valuable, and it might be something we need in the future but that would be the same process if you --

COMMISSIONER CAKOUNES: That would be the exact same process. That's the one that you're referring to as the one that we are currently using to house AmeriCorps, that's with the house.

DELEGATE OHMAN: I think this is an empty lot.

COMMISSIONER CAKOUNES: Oh, I'm sorry; Phinney's Lane in Barnstable. I'm very sorry. I'm thinking of the 6 acres -- 5 acres in Bourne.

DELEGATE OHMAN: They could be our guest if they wanted to put up some tents.

COMMISSIONER CAKOUNES: No, no. No, we do have a very nice piece of property on Phinney's Way in the Town of Barnstable. You are correct. However, that comes with a deed restriction on it, and the deed restriction is that if the County does not use it for County/Municipal purposes and sells it that the funds are to return back to the family that donated the land to us. So, there is a pretty strong deed restriction on that one. And --

SPEAKER MCAULIFFE: Yes, Delegate Bergstrom.

DELEGATE BERGSTROM: Yes, Leo. We're getting into a similar situation that we went into with the County Farm in the sense that the Commissioners and the Administration have spent some time negotiating in determining, you know, the lease agreement and so on. And here we're talking about a potential sale of property, and, according to the Charter, the sale or lease of the sale of property has to go before the Assembly.

COMMISSIONER CAKOUNES: That is correct.

DELEGATE BERGSTROM: But since the Assembly has no, really advance knowledge of what's going on, or any way of negotiating a lease on ourselves, you're basically presented with a take it or leave it.

COMMISSIONER CAKOUNES: That is correct.

DELEGATE BERGSTROM: And if we leave it, then all that work is out the window.

COMMISSIONER CAKOUNES: That is correct.

DELEGATE BERGSTROM: Wouldn't it be smarter to at least go at some point before various committees to see if there is opposition? That's the way it is normally done. I mean --

COMMISSIONER CAKOUNES: If there's something to present, as I have always done in the past as one Commissioner; if there's something to present of substance, I absolutely will speak to the Speaker and introduce it properly with enough time for people's inputs.

But the way the Charter is written, the executive branch does have the authority to set policy however and dispersing of property whether its lease or sale, it needs to be codified, verified, signed off on by the Assembly of Delegates. And we have all intentions of fulfilling what's required in the Charter if not more. It's just right now I have nothing to present to you.

I have no offer. I have no reasonable anticipation of anything.

SPEAKER MCAULIFFE: The conversation we had was you had also said there's going to be a committee that's going to look at responses to RFPs.

COMMISSIONER CAKOUNES: Yes.

SPEAKER MCAULIFFE: And then make the recommendation to the Commissioners. So, this isn't something -- there's going to be outside input; it just might not be Assembly.

DELEGATE BERGSTROM: Well, my attitude is I just don't want the Commissioners to be blindsided after they do a lot of work to go before the Assembly, and all of the sudden the Assembly looks at it and says, "Well, no, I don't think it's a good idea." If I were them or if I were any executive branch, I would want to know in advance what the sentiments are of the people who approve it so that I don't run into that kind of a situation. Because, I mean, you can't say, "Well, here, we did all this," either, you know, "don't vote against it because it's all set." And in the case of the farm, I think it's already gone out with the bid; what happens if it we don't approve it?

SPEAKER MCAULIFFE: Well then, we don't. It's like Town Meeting. Town Meeting doesn't always approve what's put before it.

COMMISSIONER CAKOUNES: That's correct. That's the way --

DELEGATE BERGSTROM: The Town Meeting goes before the Finance Committee, it goes before various sessions, by a committee and --

SPEAKER MCAULIFFE: But it doesn't. In my experience, there is no guarantee that things are going to come up.

DELEGATE BERGSTROM: No, there's no guarantee but these -- the various processes that go through --

SPEAKER MCAULIFFE: Right.

DELEGATE BERGSTROM: -- by the time the Selectmen are ready to present something to the Town Meeting, it's already been aired out, and they've heard, for instance, objections and those objections oftentimes have been met. And so, they don't go into the Town Meeting and say, "Guess what, this is what," you know, "you either vote it up or down." I'm just trying to get the process down. That's all.

COMMISSIONER CAKOUNES: The process -- excuse me, if I may, Madam Speaker, the process for putting out the County Farm for an RFP in the process of the towns or the County selling property are two entirely different processes. And I would argue that if anyone of the Assembly of Delegates had any problems with the County offering its land, County Farm out for a re-lease, if you will, or a lease for agricultural use, you had ample time to bring your concerns up when I sat right here four weeks ago and began the process by explaining to you that the County Commissioners were looking at going out for a lease on the County Farm, and we were looking at leasing it for the reasons that it is -- has conservation restrictions on, which is agricultural use.

And if I remember correctly, I even explained that the County Commissioners were putting it out in sections or parcels as opposed to one 98-acre parcel. So, I think, once again, I

think the process works, and I think it's good. You guys will have to okay the lease when it comes back. And if there's grave problems with it or issues that Assembly members -- Delegates have with it, they can deal with it at that time.

SPEAKER MCAULIFFE: Delegate O'Malley.

DELEGATE O'MALLEY: Chairman Cakounes, following the same line, four weeks ago we sat here, and we talked about the County Farm, and I specifically asked you about the terms of what this lease would be, and I was reassured that we would have input on this.

But by the last meeting it became pretty apparent that the lease had already been issued, the RFP had already gone out legally, and that the only way we could see it was by registering as a bidder.

Now I have gone through that process; I've read the RFP, and I don't have any particular objection to the details of what you guys have put out period. However, my objection is to the fact that I think the Assembly has been very much sidelined in what should have been a deliberative process. This was a change in policy. This parcel has always been rented as a unit. We've had difficulties with it, and you're changing how it's being rented; you're changing the -- you're proposing that we actually see some income out of it, and I think rather than the Assembly simply being a rubberstamp for decisions that are made later on, approved or not, up or down, yes or no, I think we should have been involved in this process as we go forward.

You know, the Charter makes reference to approval of contracts, and under "Ordinances," the Charter makes references to grant, renew, or extend a franchise. And I would submit that the farm is, in a sense, a franchise. It's a County-owned property that we're putting out for somebody to run or somebodies to run their own businesses. That constitutes a franchise.

And so, I would say that putting us in the position of we will be presented with final contracts that we've had no input to is bypassing us, and I don't appreciate it. I'll leave you with that.

SPEAKER MCAULIFFE: Thank you.

COMMISSIONER CAKOUNES: Okay. Your comments are heard. Quite frankly, I'm not sure how I, as a single Commissioner, or even the County Commissioners can address your concerns. There is a process to all municipal disbursements of lands especially creating RFPs. Even at our public meeting we did not have in front of us, the County Commissioners, all the details of the RFP because it was expressed to us by our department head, and I have to rely on what our people in charge tell me whether it's right, wrong, or indifferent -- I guess we'll find out in the future -- that those details could not be aired in a public meeting. And it's very difficult for me to invite a majority or even a minority of members of the Assembly of Delegates to something that's not considered a public meeting. So you can have your input.

I will tell you, Dr. O'Malley, that from now on I will do my best as a single Commissioner to try to find a way, and I'm going to say this, and I hope it's not taken wrong, to violate, if you will, Open Meeting Law and the governmental process to make sure that people are involved. It's just I don't believe it's going to be as easy as we all think.

The executive branch of County government has the authority and does set policy and does negotiate the contracts. And, yes, the legislative body has the final approval on those. And to incorporate the two so that both bodies are now negotiating and approving the contract, I believe, is going to be a difficult thing to do. However, out of respect for you, sir,

and others, I'll do my best in the future. That's all I can say.

SPEAKER MCAULIFFE: Thank you.

DELEGATE O'MALLEY: Thank you and a response. Clearly, negotiating a contract is your business, is your role. Simply, and we all understand that in an RFP the critical pieces are the criteria which will be used to evaluate acceptable, exceeds expectations, does not meet expectations, etcetera. Those criteria are very much a subject that needs to be debated for any proposal. What are the ratings? What do we need to look at? How are we going to make this judgment? And that's a place where clearly, I think more input would have been stronger.

SPEAKER MCAULIFFE: Thank you.

DELEGATE O'MALLEY: I'll leave it with that, but I appreciate your reassurance.

SPEAKER MCAULIFFE: Thank you.

COMMISSIONER CAKOUNES: Maybe we can have a Property Disbursement Subcommittee or something. I don't know. Maybe the Speaker and I -- if you will, Madam Speaker, could maybe you and I work on trying to figure out how we can do this process without violating Open Meeting Law?

SPEAKER MCAULIFFE: Yes.

COMMISSIONER CAKOUNES: I'd appreciate it.

SPEAKER MCAULIFFE: Thank you.

DELEGATE BERGSTROM: Yes, I have a different take on this than Dr. O'Malley, although I agree with what he says. I'm simply trying to avoid the situation, which you, the Commissioner, or any Commissioners go through a great deal of work, send out RFPs, do all this and it comes back and the Assembly says, "No," what do you do then?

COMMISSIONER CAKOUNES: That's why I'm saying I'd like to work this out. Absolutely.

DELEGATE BERGSTROM: Okay. So, and I assume that when these RFPs went out they were notified that there will be a subject to the approval of the Assembly?

COMMISSIONER CAKOUNES: Absolutely.

SPEAKER MCAULIFFE: Okay. Thank you. So, now Tales of Cape Cod.

COMMISSIONER CAKOUNES: Is that it for questions?

SPEAKER MCAULIFFE: Yes.

COMMISSIONER CAKOUNES: Tales of Cape Cod, we're going to have a little fun now. You all are very familiar with 1776. You all are very familiar with the Revolution of this country starting right here in Concord, actually, where the British came and tried to confiscate the firearms that the farmers were hiding out in Concord, and it was all in -- well documented. And then we signed our Declaration of Independence in 1776.

It has come to the attention of the County Commissioners through the diligent work of the gentlemen and ladies involved in the Tales of Cape Cod that in 1774 some interesting acts happened, which a lot of people don't know about two years prior to the signing of the Declaration of Independence.

In 1774, as a response to the Boston Tea Party and the people then who threw the tea overboard against the taxation of the British, the British decided in the summer of 1774 to do away with the original Charter in which all the counties were operating under, which is referred to as the Charter of 1691.

Briefly, the Charter of 1691 said that the County of Barnstable could elect their own

governor, elect their own judges, appoint and choose their own jurors and, quite frankly, govern themselves and that's the way we operated here from 1691 until 1774.

In the summer of 1774 the British said we are no longer going to be operating these colonies under the 1691 Charter; we're going to take away all those rights and you are now going to have an appointed governor by the British government. The British government was going to appoint the jurors, and the British government was going to tell us what laws we would impose and what laws we wouldn't. This is two years before 1776. This is very important stuff.

September 26, 1774, 1,500 citizens of Barnstable County gathered at the Olde Courthouse, and the reason why they picked that date is because September 26 of 1774 was going to be the first session of the new governmental control from Britain. So, they gathered here at the original County courthouse and basically demanded that the judges at the time not follow the new laws put forth by the British but, in fact, continue the self -- and I'm going to use the Home Rule term because that's what we use today. They wanted the judges to follow the 1691 Charter and continue with the Home Rule. And it's pretty major stuff because that means having town meetings because under the new legislation there would be no more town meeting input, no more citizens input.

So, flashback to 1774, we had 1,500 and I say that with emphasis because at the time they say that there may have only been 10,000 people living on Cape Cod in Barnstable County. So that is over 10 percent of the population showed up right here on Route 6A in person. We can't get 10 percent of the people to vote today. This is 10 percent of the population walked here and came to our courthouse, then the Olde Courthouse and demanded that they say no to the British colonies and that we want to self-govern ourselves.

So, after a brief, very peaceful by the way, demonstration the then governor, I believe his name was Otis, actually took a number of people and went in to the then and still known as the tavern -- I can't think of its name now --

SPEAKER MCAULIFFE: Barnstable Tavern.

COMMISSIONER CAKOUNES: No, it's not Barnstable Tavern. The one across from it.

SPEAKER MCAULIFFE: Crocker.

COMMISSIONER CAKOUNES: Crocker Tavern. They went into the Crocker Tavern and they actually wrote a -- I'm going to refer to it as a declaration, but they wrote a document, and the document, and I won't get into its entire text tonight because I'm trying to rush through this to give you a synopsis; that original document pretty much stated, "We, the people of Barnstable County, will not follow the new rules of the British colony, and we insist on being self-governed." And all the governors and judges signed it at the time.

The unfortunate thing is that original document was lost in the County fire of, I believe, it was 1827; it might be 1823, which we lost all our historic documents. So that original document that was drafted and signed in the Crocker Tavern which pretty much made everybody happy that was here in this little revolt happy, that document has been lost.

The County Commissioners now last -- two weeks ago have decided that we want to have a reenactment, if you will, of that day. And I have, through the help of the Tales of Cape Cod, I have actually gotten the original text of that document, and it was compiled by using reports of the days because there were actually newspapers around then. So, we do have some evidence of the actual text.

So, I have compiled that actual text, put it on a sheet of paper. We have transposed the signatures of the original signers, and I believe there were 15, I'm not sure, original signers of it, and the County Commissioners are going to historically sign the document on the 26th as a ratification reaffirming the action taken in 1774 and, again, taking that position that we want to be self-governed.

So, with that all said, this has -- the press was at our meetings. They know about it. I have been told today that this article will be in the Cape Cod Times, and I am working with the Tales of Cape Cod to put together an actual ceremony for that day. And I have been contacted not only the Town of Barnstable who wants to participate, but I want the Town of Bourne to know that a gentleman by the name of "Bourne" signed the original document, so I'm sure he had something to do with the Town of Bourne. A gentleman by the name of Marston signed it; my guess is it has something to do with Marston Mills, and there were a number of other historic figures that signed this. So, all of you should go home, maybe contact me individually. There was a gentleman from Chatham I know that was involved in it, Ron. There was somebody from as far as, I believe, in Truro. We would love to have as many towns participate in this as possible, and it's our -- again, we just discussed this once, but it's our idea that once we have this document and the County Commissioners sign it, then we probably will take it and make copies of it, distribute it to all the towns, and let all the towns do what research they may want to do to see if they can locate some of the even family members of the original people who signed the document.

So, with that said, I just wanted to emphasize that this is a good thing, noncontroversial thing, I hope. These 1,500 people that showed up were not armed. We do have documentation from the newspapers that there was no profanity used during the entire --

SPEAKER MCAULIFFE: Demonstration.

COMMISSIONER CAKOUNES: -- thank you, demonstration, which I think is remarkable, but I guess maybe for the times that's good. So, hopefully, we can learn from their leadership and have an equally good reenactment.

SPEAKER MCAULIFFE: Thank you.

COMMISSIONER CAKOUNES: I have been reached out by the Yarmouth Minutemen who is a group that do a lot of this reenacting. I believe they will be participating. And as I said earlier, the Town of Barnstable and we actually have a gentleman, a very well-known gentleman, and I'm sorry his name escapes me, and I don't have it in front of me, that's actually coming in from California who's done a lot of history on the American Revolution and he's going to be present.

SPEAKER MCAULIFFE: Thank you.

COMMISSIONER CAKOUNES: So, it's going to be a fun time.

SPEAKER MCAULIFFE: Yes, thank you. I just wanted to say, the Declaration of Independence was read on Yarmouth Green about two or three weeks before July 4th because I think they were circulating the document around the country. But there's a plaque or a stone commemorating that on the Yarmouthport Green on 6A that gives the date in June when the Declaration -- and this was read in Yarmouth. So we sort of were early to the game.

COMMISSIONER CAKOUNES: This is two years before that.

SPEAKER MCAULIFFE: Well, I know that's two years, but we were -- that was when we were getting to --

COMMISSIONER CAKOUNES: Right.

SPEAKER MCAULIFFE: -- because the Declaration of Independence was not necessarily wholeheartedly supported at the time.

COMMISSIONER CAKOUNES: Oh yes, I know.

SPEAKER MCAULIFFE: Yes, Delegate Bergstrom.

DELEGATE BERGSTROM: Yes, I'd like to ask about this reenactment; are you going to fit all of us in the tavern and are the Commissioners buying?

COMMISSIONER CAKOUNES: Actually, the tavern, although the building exists today, from my understanding is they are not open for business as a tavern anymore. However, the owners of the property have agreed to allow us to have some ceremonial thing there.

The other answer is no and no.

SPEAKER MCAULIFFE: Thank you, very much. Keep us apprised as things move along and send information to the Clerk that can be distributed to everyone. Thank you.

COMMISSIONER CAKOUNES: I will.

SPEAKER MCAULIFFE: Yes, Delegate Moran.

DELEGATE MORAN: Oh, I'm sorry; I was noting the Delegate from Harwich --

SPEAKER MCAULIFFE: Oh, I'm sorry.

DELEGATE MORAN: -- who's been waiting.

SPEAKER MCAULIFFE: I'm sorry. Delegate Hughes.

DELEGATE HUGHES: Thank you, Leo. Leo, I would assume there's either no or minimal cost to the County to do this the way you have it kind of --

COMMISSIONER CAKOUNES: Right now, the only cost to the County to do this has been the use of the paper that the thing is printed on.

DELEGATE HUGHES: Okay.

COMMISSIONER CAKOUNES: No one has asked for any money. Nobody has shown us anything, but I'm sure there's -- there will be cost related to it for if we decide to have something here on the lawn afterwards or clean up.

DELEGATE HUGHES: Okay.

COMMISSIONER CAKOUNES: You know, general kind of stuff.

DELEGATE HUGHES: And a follow-up question would be, if I did the math right, this would be the 244th anniversary of that. I guess why this September versus waiting for some other time? Because we just found this information now and the opportunity has been made available to us?

COMMISSIONER CAKOUNES: That's exactly right.

DELEGATE HUGHES: Okay.

COMMISSIONER CAKOUNES: This information was brought forth to the County Commissioners and brought forth to the Town of Barnstable, and they were asked, both the County Commissioners and the Town of Barnstable, through their Town Councilors to just have a proclamation recognizing the day.

After I read and quite jokingly, but there's seriousness even to jokes, when I got the original email, it was quite lengthy. And nine times out of ten when I get emails that long, I don't even read them because, I don't know, they're just too long, and I try to go to the bottom line, what do you want kind of thing.

Well, this one so intrigued me, not only did it recap the story that I tried to recap for you here today, but it got into a lot more depth about it that I thought at this time it just would

be a really good thing to do. And I think that if we recognize it this year and sign that document again as a symbolic thing this year, I think the Tales of Cape Cod is certainly going to hope that every year there will be some kind of a recognition of that day as we move forward.

DELEGATE HUGHES: Thank you.

SPEAKER MCAULIFFE: Delegate Zuern.

DELEGATE ZUERN: Thank you. I was just going to add that perhaps the Historical Societies from each town probably have some of that information that you're looking for.

COMMISSIONER CAKOUNES: I'll mention that to the Tales of Cape Cod. They're the ones that have been doing the gathering of the historic information and they have quite a connection with not only the Barnstable Historic Society but all other Historical Societies, but I'll certainly bring that up to them. Thank you.

SPEAKER MCAULIFFE: Delegate O'Malley.

DELEGATE O'MALLEY: Thank you. This is a fascinating story of a piece of history that I was unaware of.

COMMISSIONER CAKOUNES: Do you want to be on the committee to help me with it?

DELEGATE O'MALLEY: I would like to learn more about it. And if this -- it sounds like there would be no Open Meeting Law issues.

COMMISSIONER CAKOUNES: No.

DELEGATE O'MALLEY: Would you be able to circulate this information that was forwarded to you?

COMMISSIONER CAKOUNES: Absolutely.

DELEGATE O'MALLEY: This lengthy piece, I'd like to learn more.

COMMISSIONER CAKOUNES: Absolutely. I'd be more than happy to. And I jokingly said it, but as I said earlier, there's always truth to a joke, I would actually love to have the representative from Provincetown's aide on this because even as early today we had talked about -- and as the gentleman from Harwich mentioned, I know that Provincetown is getting ready for the 400th anniversary, and this is stuff that we can really work together and compile. So, as we move forward, all this stuff works it together. It's very fascinating history by the way.

DELEGATE O'MALLEY: Sure, I understand.

SPEAKER MCAULIFFE: Okay. Thank you, very much.

COMMISSIONER CAKOUNES: Okay. Thank you.

**SUMMARY: COMMUNICATIONS FROM COUNTY HUMAN RESOURCES**  
**DIRECTOR JUSTYNA MARCZAK**

- **HR Director updated Assembly on recent changes to the county's Personnel Policy Manual**
- **Last manual update was in 2005 – language and references needed to be updated**
- **New policies were added**
- **Committee worked on update for approximately three years**
- **Commissioners approved the changes and updates**

SPEAKER MCAULIFFE: Thank you -- communications from our County Human Resources Director, Justyna Marczak, and this is the recent updates to the Personnel Policies and Procedures Manual. And I apologize if I mispronounced your name.

MS. JUSTYNA MARCZAK: You were very close.

SPEAKER MCAULIFFE: I'm so used to calling you Justyna, but I wanted to have the full name. Welcome.

MS. JUSTYNA MARCZAK: Thank you, very much. So, I assume Janice mentioned that the document has been provided to you, so you all had a chance to look at it.

Really quickly, this document was due for updating. The last update -- the last policies were updated about 13 years ago in 2005, so the document needed updating.

The main reason for updates, obviously, we needed to change the language, the language was very outdated. It mentioned Sheriff's Office. It mentioned positions that no longer have to do with Human Resources. So, we definitely needed to do that.

Obviously, laws, labor laws were either misquoted or just didn't apply, or there were new laws that were passed since 2005 that needed to be included in here. So that needed to happen.

We started working on it about three years ago. It took us a long time to do this, and we did not anticipate for this to be that long. We had a committee comprised of seven people; Human Resources, myself, Gail Coyne from Commission; Janice O'Connell from Assembly; Nancy Cushing from Payroll; George Heufelder who was the Health Director at the time; Maggie Downey, Cape Light Compact; she was also our previous Human Resources Director, and we were very lucky to have Bill Cole who is the Town of Barnstable Human Resources Director. So, he provided a lot of help to us.

It took us three years because of once we started, you know, going through the documents, we realized that pretty much every chapter had to be updated. The language was just really outdated. This document in my opinion right now is -- not only provides legal language that's needed here, but I think the language is clear and it helps not only myself to do my job but for County employees to really, you know, it leaves less room for interpretation. I mean, obviously, there will always be room for interpretation, you know, and everyone -- every employee probably at some point will go through this document and will have some questions, but I think it's easier to read and provides more information.

Some of the major changes, we've updated Equal Employment Opportunity language. As I said, we've removed County Sheriff information. We included Longevity Pay information which we've always had but was not part of this document. Updated language regarding Sick Leave language regarding leave in general, like FMLA, Parental Leave, Domestic Violence Leave. We have updated language regarding Employee Performance. I think it's really easy now to read and understand.

And we have added a few new policies. We proposed them to the County Commissioners, and the Commissioners have adopted them. Sick Leave Bank Policy, we have never had Sick Leave Bank Policy. We have had Sick Bank before, but it was never regulated. So there weren't really no rules on that. We have the Commissioners adopted CORI Policy, so we will be CORI'ing all employees and volunteers. Telecommuting Policy and Drug and Alcohol-Free Work Policies.

So, those are the major updates. I encourage every employee, obviously, to go through every chapter because there are, you know, certain changes that -- I'm not going to

bore you with them now, but I encourage everyone, and I actually have been asked by departments to go to their staff meetings, and so we talked to our staff about that and I answered their questions.

SPEAKER MCAULIFFE: Thank you. Any questions from the Delegates? No. I know it was Yeoman work on this.

MS. JUSTYNA MARCZAK: Thank you.

SPEAKER MCAULIFFE: And when I see this, and it's quite a document for those of you who have waded through it, I'm reminded of how much the Assembly needs to work on its documents. And here in three years kind of makes me nervous because we have two-year terms.

MS. JUSTYNA MARCZAK: Right.

SPEAKER MCAULIFFE: So, I sort of feel like we need to do what we're going to do within two years. But it's not -- when you have something that is outdated and requires such intensive look and work that you did, I mean, you did a great job.

MS. JUSTYNA MARCZAK: Thank you.

SPEAKER MCAULIFFE: And end up with something that is really -- Barnstable County can be proud of. And so, I think that this should be really lauded and applauded.

MS. JUSTYNA MARCZAK: And I want to mention that we are the only municipality in Barnstable County that has completely updated manual. So, I am actually getting phone calls from other municipalities asking for copies, so they can start updating theirs. So that's a --

SPEAKER MCAULIFFE: I'm sure. I mean those of us who report to our towns will, obviously, include this as part of our reports in their meetings.

MS. JUSTYNA MARCZAK: Absolutely.

SPEAKER MCAULIFFE: And there may be parts that people can use or parts -- and, obviously, the Selectmen who are sitting at the table as well, or perhaps that they can call you to make some perhaps background information.

MS. JUSTYNA MARCZAK: Absolutely.

SPEAKER MCAULIFFE: But thank you.

MS. JUSTYNA MARCZAK: Thank you.

SPEAKER MCAULIFFE: I know it was a lot of work.

MS. JUSTYNA MARCZAK: Thank you.

**SUMMARY: COMMUNICATIONS AND PRESENTATION FROM COUNTY  
FLOODPLAIN COORDINATOR SHANNON JARBEAU**

- **Updates: Community Rating System and Floodplain Management PowerPoint slide presentation provided to Assembly Delegates**
- **Barnstable County is using a regional Community Rating System (CRS) approach**
- **Association of State Floodplain Managers awarded county their Award for Excellence in Local Floodplain Management**
- **CRS Program is currently saving about \$300,000 for approximately 3,000 policy holders**
- **County has offered workshops on Historic Structures and Flooding, Floodplain Management, and hosted the Certified Floodplain Manager Exam**

- **County was recently awarded a \$317,000 grant to map storm wide pathways with a completion date of December 2020**

SPEAKER MCAULIFFE: Our next is a presentation from our County Floodplain Coordinator Shannon -- is it Jarbeau?

MS. SHANNON JARBEAU: Yes.

SPEAKER MCAULIFFE: And this is on the flood mapping and related updates, and I was reminded even though this wasn't flooding, as my driveway washed out for the second time in a couple of weeks today, that was rainfall of the change in the weather in terms of 25 years, and this year my driveway's gone several times, and I know there are flood issues and, also, this also impacts the financial face of the Cape because of flood insurance. And it was a big topic a few years ago and still is now.

So, Shannon has a PowerPoint. Welcome.

MS. SHANNON JARBEAU: Thank you. And I think you might all have copies of the PowerPoint; is that correct?

SPEAKER MCAULIFFE: Yes, she sent it.

MS. SHANNON JARBEAU: Okay. So today I'm going to talk about an update on my work. So, I'll start with the Community Rating System, which is the primary bulk of my work, and then I'll also talk about Floodplain Management Technical Assistance because that has also become a pretty significant part of what I do. Is this -- here we go.

Okay. So, I'll start with the Community Rating System or the CRS. So the CRS is a part of the National Flood Insurance Program, so it's a federal program, and it provides discounts on flood insurance in exchange for actions that reduce flood risk. So those actions don't have to be taken by the town but just within the town. Typically, they are taken by the town but there are some things that other can do. Those actions and examples are protecting open space, enforcing the state building codes that go above and beyond the minimum requirements, federal requirements, or doing public outreach around floodplain issues and flood risk.

So the CRS improves flood resilience over all by enacting these activities and it reduces costs. The average cost of a flood insurance policy in a floodplain on Cape Cod is \$2,400. So a lot of folks are required to have flood insurance if they are located in one of these floodplains, one of the dark blue areas on that map, and they have a federal backed mortgage; they are required to carry flood insurance. And that average cost is \$2,400 a year and it can vary pretty significantly. So that's why we're doing the CRS. We're trying to help folks save that money and at the same time improve their flood resilience.

So, I wanted to note a couple of program highlights with this CRS approach. So here in Barnstable County we're actually doing a regional CRS management approach. This is the first place in the country to do this. Typically, towns manage the program by themselves and there are others that might help a little bit, but we are the first place to actually manage it on a regional basis.

We are being looked to as a leader on this. I get lots of calls about it from all over the country, and we have been recognized for it in a couple of ways specifically over the last year. Last spring, the Association of State Floodplain Managers awarded us their Award for Excellence in Local Floodplain Management. That is a big national award. The Association of State Floodplain Managers is the organization on floodplain management. It was awarded

in Kansas City, Missouri. So it's a big deal. It's wonderful to be recognized that way by a national group.

Another way that we've been recognized is Congressman Keating introduced a Bill to include funding for more positions like mine in the National Flood Insurance Programs Reauthorization. That was supposed to go through last September; however, Congress is still working on that reauthorization, but I have been told that it is very likely once that reauthorization does go through that that Bill will be included. So, there will be federal funding to create more positions like this one all over the country, and Barnstable County will be looked to as the leader on that.

So where are we at with the CRS? So the towns in dark blue there are current CRS towns. They are active in the program. The towns in light blue are their applications are in progress, and the towns that are tan are not yet in the application progress, and I'm going to go through those in a little bit more detail in a minute.

For the towns that are currently in the CRS Program, here's a breakdown of the discounts that they receive. The total savings and the policyholders; so for those towns that do have -- that do participate in the CRS, you can see what your numbers are.

Total, we are currently saving over \$300,000 annually for about 3,000 policyholders.

Looking into the towns specifically; what are we doing in each town? So in Barnstable, there are about three phases of the application process to the CRS.

So Barnstable has been in progress since 2015. They're in the Phase 1 stage. There have been some personnel changes, but I'm hoping that we can pick that up again soon.

Bourne is in progress. We're in the second phase. Actually, tomorrow morning, we are going to complete the biggest meeting of Phase 2. We have a big meeting with FEMA tomorrow morning. Hopefully, that will go well.

Brewster has a 5 percent discount that became effective in May of 2018, so just this past spring.

Chatham has a 10 percent discount. We went through a five-year audit in 2017, and the CRS Coordinator at the time said had they not received assistance from the County, they wouldn't have been able to stay in the program. So we kept them in the program and kept their 10 percent discount.

Dennis, we're in discussions about getting the town in the program but we are not there yet.

Eastham has a 10 percent discount that became effective in October of 2017; I apologize, in your packets it says October 2018 but it's 2017.

Falmouth is in progress in Phase 1. Just on Friday we resubmitted the very first conclusion of Phase 1 so that now is with FEMA and that's really exciting for Falmouth because we've been working on that for quite some time so that's exciting.

Harwich has a 10 percent discount, and I've helped them with annual recertifications. They were in the program before I started.

Mashpee has a 10 percent discount that became effective in October of 2017.

Orleans has a 15 percent discount. So, the highest on the Cape, that was up from a 5 percent discount and that 15 percent became effective just this past May because we did a five-year audit last fall. That's part of the CRS Program. You have to go through a five-year audit. And, basically, what we found there, everyone wants to know how we did that; because Orleans controls their National Seashore land at the municipal level, we're able to take credit

for all of that open space. And mapping it correctly is how we were able to make that jump from the 5 percent to the 15 percent discount.

In Provincetown, there's a 5 percent discount, and I've helped them with annual recertifications.

In Sandwich, we're in progress in the final phase of the application. I expect that Sandwich will actually join a 15 percent discount. Sandwich has done a great job, and we have a meeting two weeks from today where FEMA is going to be the final culmination of that, and we'll have a lot more information on that. But I do expect Sandwich to start out really strong.

Truro is not yet in the application process.

Wellfleet has a 10 percent discount that became effective in May of 2017.

And Yarmouth is also not yet in the application process.

So moving on from the CRS and going to general Floodplain Management. So, Floodplain Management is managing our floodplains, and we want to do that in a wise way, so balance the development pressures with natural benefits.

So floodplain management, there's technical assistance that I offer. The primary thing that I offer on that is working with building officials to review building codes. There are a lot of floodplain provisions in the building code, and there are a lot of things the building officials have to know, so they often -- I often get calls from them now just making sure they've got the information correct and asking me to review some things just to make sure they're enforcing things correctly, which is really wonderful that we already have these regulations on the books but we want to make sure that they're actually being enforced. And now they really are and I'm really glad that building officials are able to come to me and ask these questions.

I also help conservation staff, elected boards, Historic Boards and Conservation Commissions. I do get calls from residents and businesses with flood insurance questions and media requests.

For flood insurance in general, I do try to stay current on the status of the National Flood Insurance Program. The manual is updated every six months, and there are Congressional reforms, and we don't want any surprises.

You may be familiar with the surprises that we got with flood insurance costs six years ago and those really affected folks really significantly. So I try to stay on top of that to make sure we won't have any more surprises.

I track the policy data annually just to know where we're at with our flood insurance policies, and I provide updates when requested by elected officials. I also am on a few task forces. I'm on the Coastal Zone Management Program Storm Team that goes out and assesses damage from storms after we have big storms, so we know what was affected. I'm also on the state's Silver Jackets Team, which is a state Interagency Floodplain Management Team. I run a CRS User Group here on Cape, which is also a general Floodplain Management Group. I bring in trainings and things to help people stay up on that, and I participate in one on the South Shore. And I'm also involved in massFM, which is a brand-new Massachusetts Association or Massachusetts Association of Floodplain Management. It's brand-new. The State Floodplain Coordinator asked me to be involved in that, and we just released our first announcement of it earlier this week or last week.

So, a quick review of some selected recent projects. Actually, not on here but in light

of all the recent rain that we've had, we don't really track storm water floodings or heavy rain, and it's hard to get that information, but I'm working on a way to track and map that so that we know where are problem areas are. It's still in the beginning stages but I am working on that.

Another project, historic structures and flooding; in March, Sarah Korjeff, who's the Historic Preservation Specialist at the Cape Cod Commission, and I hosted a workshop on that. We filled this room to capacity. We had to turn people away. We had so much interest in the issue. People were coming from on-Cape and off-Cape, all over off-Cape. There's a lot of interest, and we've been asked to repeat various aspects of that workshop several times since then. So it's been a very hot topic.

I host a Floodplain Management 101 Workshop. I'm going to do one in October and that's to get town staff again up to speed just to make sure that they understand floodplain management requirements and regulations, and anything that I can do for them.

I also will be hosting a Certified Floodplain Manager Exam. This will be the third one that I've hosted since starting here at Barnstable County to try to increase the number of CFMs or Certified Floodplain Managers to ensure that folks really do have a good handle on the floodplain requirements and we can improve the resilience of our floodplains.

The Cape and Islands Association of Realtors asked me to do a series of trainings with them in the early spring, and we did three different trainings that reached about 70 realtors on how to read a flood map and what it means of a property is in a floodplain. So I thought that was a great thing to do. I was so excited that they asked me to do that, and it was really well received, and the realtors were really happy to get that information.

And then, finally, I'm very happy to announce that just yesterday we learned that the Cape Cod Cooperative Extension together with the Regional Emergency Planning Committee and Cape Cod Commission were awarded a \$317,000 grant from the Seaport Economic Council that we just got final word of yesterday on mapping storm tide pathways, and that is a different type of flood mapping. So, we have flood maps that shows the total extent of flooding, but these flood maps show us actually how water moves through a community. We don't have that information. So this shows us what is going to flood first and at what tide levels things will flood. So it's really, really, really useful information, and I'm so excited that we were awarded that grant to be able to use that. So I'll be working with all of your towns to use that data once we get it.

Finally, just some numbers on Fiscal Year '18. So what I did -- I had 127 floodplain technical assistance tasks for 38 Cape Cod towns and organizations; so, obviously, the towns and then also residents, businesses, media, and elected officials. I had 19 requests for technical assistance outside of Barnstable County, and those are almost exclusively inquiries about the regional approach to CRS Management. And those came from federal and state agencies, from elected officials, and from universities. There are a lot of universities trying to help communities with this. So there's some really interesting inquiries with that.

And, also, I've given 28 presentations to about 1,600 people. So I really try to get the word out about floodplain management and how we can improve resilience and save money on the flood insurance.

And I am happy to take any questions.

SPEAKER MCAULIFFE: Your hundred year dark blue, have we hit that 100 year?

MS. SHANNON JARBEAU: In some areas but not -- it will never happen all at

once. So some areas but I don't have necessarily the extent of all of our floods, so I can't necessarily answer that question.

SPEAKER MCAULIFFE: And then do you anecdotally then see if something has flooded to a hundred-year level that then it might flood again because we've had a series of storms. We have, you know, we have such a fragile ecosystem that gets washed out. Are you seeing repeated 100-year flooding in any area that might have hit its mark once?

MS. SHANNON JARBEAU: Yes. We're seeing storms that are of a magnitude that we haven't seen before, and we're finding that the definition -- so a hundred-year flood is actually a storm that has a 1 percent chance of occurring in any given year. So, we're finding that those definitions need to be changed because the extent of flooding that goes with that is happening more often. So it really -- the probability should really be increased.

SPEAKER MCAULIFFE: And that will come from the insurers, from the federal government, from the state government? Will it be from top-down or bottom-up?

MS. SHANNON JARBEAU: That's a great question. In theory it should be top-down. It should be the Federal Emergency Management Agency that is remapping, but the reality is Congress doesn't allocate enough money for FEMA to remap frequently enough. So, on average, we get new maps every 20 years. So, realistically, it could come from the state. The towns also could choose to take the data and create their own maps and say we're going to regulate to this level.

SPEAKER MCAULIFFE: Yes, Delegate Killion.

DELEGATE KILLION: Thank you, Madam Speaker. Good afternoon, Ms. Jarbeau. Thank you for the presentation. Can you get into any detail regarding the level of discounts town by town? Does it have to do with the right prior to where they're able to get a bit of discount or is it just geography?

MS. SHANNON JARBEAU: Sometimes it's geography. So with Orleans, as I mentioned, it's open space. Open space is our biggest asset when it comes to the Community Rating System and the floodplain safety in general. We get the most credit from open space because if you don't have a structure in a floodplain, it can't be damaged and there won't be a flood claim on it. So sometimes it is just luck of the draw, how your floodplain looks, if you have a lot of open space or if you don't. It's also about how developed your floodplain is. Sometimes there are zoning regulations that prohibit certain types of building in the floodplain, but if your development -- if your floodplain is already all developed and built out then they don't really have any effect, so you won't get as much credit in that that way. So, in some ways it is just what your floodplain looks like. In others, it's what the town is able to do.

DELEGATE KILLION: So, in reality there could be maybe a dozen or so factors that go into what the adjustment is?

MS. SHANNON JARBEAU: Absolutely, oh, more than a dozen.

DELEGATE KILLION: Thank you.

MS. SHANNON JARBEAU: Sure.

SPEAKER MCAULIFFE: Delegate Bergstrom.

DELEGATE BERGSTROM: Yes, when Chatham entered into this program a few years ago, we were presented with the federal floodplain maps, and the decision that we had to make was we would alter our conservancy districts and so on to go along with the floodplain maps.

MS. SHANNON JARBEAU: Yes.

DELEGATE BERGSTROM: Of course, it was quite a discussion because people didn't want to have to be restricted.

MS. SHANNON JARBEAU: Right.

DELEGATE BERGSTROM: So, I think in the end of the day we decided not -- we said we're going on a dual track. We have the federal floodplain and then we have the local setback laws and so on for that. But that wasn't a requirement of this program?

MS. SHANNON JARBEAU: It was not a requirement, so you do get additional credit for the fact that you have limited development, and you've done it in pieces so certain zones within the federal floodplain have one requirement; the highest risk has one requirement, and the next highest risk has another requirement. So, you do get credit for that but, no, that is not required to participate.

DELEGATE BERGSTROM: I think one of the examples was the fact that if you had a house in a floodplain you were required to build it higher on --

MS. SHANNON JARBEAU: Yes.

DELEGATE BERGSTROM: -- but on the other hand, Chatham has a 35' height limit.

MS. SHANNON JARBEAU: Yes.

DELEGATE BERGSTROM: You know, if people didn't want to do that --

MS. SHANNON JARBEAU: Right. So actually that's part of the Building Code and it comes from the National Flood Insurance Program Regulations. There's a set -- all of your towns participate in the NFIP and it comes with a set of regulation, and those regulations are tied into the state building code as well, and that's one of them that if you build a new house or if you substantially improve it 50 percent or more of the market value, you have to elevate it to certain flood levels.

And so, what some towns are going to get around or encourage people to still elevate and be flood safe and deal with the height restriction is that they actually measure the height starting at the lowest point of the structure that it's tied into flood issues but it's not from the ground. It's from the structure -- basically, the lowest livable point of the structure and then goes up from there.

So I have actually talked to your building official about that. He pointed that out to me that we're squeezing structures here.

DELEGATE BERGSTROM: We have a lot of flat-roofed houses that are being built.

MS. SHANNON JARBEAU: Right.

SPEAKER MCAULIFFE: Yes, Delegate Zuern.

DELEGATE ZUERN: A few years ago, when they were talking about the new floodplain, I read that some of the data was actually the wrong data to use in our area and that it was more for the Pacific coast area instead of the Atlantic coast.

So, my question is what kind of data are we using now, was that corrected, and what company is putting that data out?

MS. SHANNON JARBEAU: So that information is actually kind of a rumor that go out that it is true that they're using models from the West Coast, but -- and I had the same question too, so I looked into it, and it's -- the model was designed for them, but it is still accurate here. So it got out that, oh, we're using a West Coast model, that can't be right, but it actually is still correct for here.

DELEGATE ZUERN: And do you know what company that is?

MS. SHANNON JARBEAU: FEMA hires a bunch of different companies to do the flood mapping. Here, they were done before I started but I do, and I cannot think of -- I could get back to you on that. I know the name of someone that works there.

DELEGATE ZUERN: Okay. Thank you.

MS. SHANNON JARBEAU: Sure.

SPEAKER MCAULIFFE: Delegate Hughes.

DELEGATE HUGHES: Thank you. The latest grants you got, by the way, congratulations on securing that grant.

MS. SHANNON JARBEAU: Thank you.

DELEGATE HUGHES: If I understand it right, you're going to be defining I think for each town what the flow of or the path of a flood is.

MS. SHANNON JARBEAU: Yes.

DELEGATE HUGHES: When, timetable-wise, would we expect each town to get some output of that?

MS. SHANNON JARBEAU: Everything should be completed by winter of 2020, so December of 2020 is when we're looking to have it all completed. It will be town by town, and then the data -- once the data is collected, it needs to be put into a format that towns can actually use and that's going to be the biggest challenge is putting it into a Web application so that the towns can use it.

So, if the data is wanted beforehand and the towns have the GIS capabilities to use it, then we can probably provide it before then.

DELEGATE HUGHES: So, will it be based on a hundred-year flood or will it be based just on an elevation of a flood?

MS. SHANNON JARBEAU: Yes, that's a good question. It's just based on elevation.

DELEGATE HUGHES: Okay.

MS. SHANNON JARBEAU: So, we have the elevation of the ground, and we can just raise the water levels and see where the water goes.

DELEGATE HUGHES: Okay. Thank you.

MS. SHANNON JARBEAU: Sure.

SPEAKER MCAULIFFE: Delegate Chaffee.

DELEGATE CHAFFEE: Thank you, Madam Speaker, and thank you, great presentation. Would you talk to us about the map and how often it's updated and what are the trends that you're seeing as far as how many homeowners are required to purchase policies?

MS. SHANNON JARBEAU: Sure. So, you mean the floodplain map?

DELEGATE CHAFFEE: Yes.

MS. SHANNON JARBEAU: Yes. So how often it's updated, so it was updated most recently in 2014, July of 2014. On average, flood maps are updated every 20 years or so. They're supposed to be updated every five years, but Congress never gives the right appropriations for FEMA to do that.

So we could, if the County we're to put up the money or if a town were to put up the money, we could update the maps ourselves, but FEMA isn't going to do it for us in the near future.

The East Coast just all went through an update, so I don't think we'll be in line for an

update from them anytime in the near future.

In terms of number of houses that or properties that are required to have flood insurance; so that's actually since it's tied to mortgages, I don't have that information because it's Privacy Act protected. So I can't figure out who is or how many are actually required to have it unfortunately.

I have our total numbers. We have about 12,000 policies total on Cape Cod, and we have about 10,000 of those are in the floodplain meaning that they could be required to have it, but we just don't know, unfortunately.

SPEAKER MCAULIFFE: Delegate Ohman.

DELEGATE OHMAN: Thank you, Madam Speaker. First of all, great work with you and your department. I just can't believe you've done this so much -- so much of this already. You know, and it defines what regionalization is. We're a group that wants to regionalize all of our services to all the towns. You're doing that. You're actually doing every one of the 15 towns, if they so desire to get in line -- not my town.

SPEAKER MCAULIFFE: Or mine.

DELEGATE OHMAN: Or yours.

SPEAKER MCAULIFFE: It figures, doesn't it?

DELEGATE OHMAN: So, Biggert-Waters is a flawed law as far as I'm concerned.

MS. SHANNON JARBEAU: Yes.

DELEGATE OHMAN: But it's there and we own it. And I was just discussing with some of my folks in Dennis that they think that in many parts of West Dennis and on the bay side, they're going to have to go to pilings to go through requirements. So you're saying that you can go 35 feet, if the town allows it, from the bottom of the piling, from the building that's on the pilings?

MS. SHANNON JARBEAU: Right. So, yes, several towns have done that. So you start measuring the height from the bottom of the first livable floor.

DELEGATE OHMAN: And we also have an issue now in Dennis that I think is applicable to every town on 6A, is that our Old King's Highway doesn't want pilings, and our building inspector's saying, "Well, you've got to let these people live." So, who takes precedence in that or is that an open question?

MS. SHANNON JARBEAU: That's a good question. So this has been a whole issue and I did give a presentation to the Old King's Highway Board in Dennis because of this issue. The Old King's -- so historic structures if they meet certain definitions are exempt from the regulations of the National Flood Insurance Program but districts are not. And the Old King's Highway -- some very special districts are but the Old King's Highway does not meet those requirements. So, the National Flood Insurance Program Regulations take precedence.

DELEGATE OHMAN: Oh.

MS. SHANNON JARBEAU: So, the structures do have to be elevated per National Flood Insurance Program and state regulations. However, what it looks like, Old King's Highway or any Historic Commission can regulate, so the one house that we were looking at with that one particular presentation, everything underneath the base flood elevation or what is likely to flood has to be flood proof. But there are ways to make it look more aesthetically appealing, and the Historic Commissions can decide what it's going to look like.

Now if it's going to be on pilings, so if it's on pilings, it means it's in a velocity zone, which is the highest-risk flood zone and there's a risk of waves. If it's on pilings, that means

it has to be on pilings most likely, but you can have what are called break-away walls or you can do something like lattice. You can do plantings around it. So you can have walls there, but they have to, basically, when the pressure of the water hits them, they have to break away and that is dangerous because it then can become debris and hit the house next to it or behind it. So, I don't love seeing break away walls but that is an option. You're not going to be violating any laws with that, but they cannot finish that space; you can't put any sort of living space down there. It can only be used for building access, storage, or parking.

SPEAKER MCAULIFFE: All right. Great. Thank you, so much. When we have presentations like this, it really, I think, makes the Assembly -- is there something you want to add?

MS. SHANNON JARBEAU: Can I add one thing?

So with the Storm Track Pathways Grant, what the towns can use that for, so once they have the information where the water is going to move, they can do things like deploy sandbags there or a removable flood barrier or my understanding is Provincetown is pursuing building a dune to protect one of those areas.

They can also use it for emergency management to reroute fire trucks and ambulances around areas that they know will be flooded. It can be used for planning purposes. So there are lots of ways that it can be used.

SPEAKER MCAULIFFE: Great. Yes, Delegate O'Malley.

DELEGATE O'MALLEY: Yes, I will just pick up on that. Yes, in fact, this was a storm track pathway.

MS. SHANNON JARBEAU: It was.

DELEGATE O'MALLEY: They realized that Town Hall flooded, the center of town flooded; they realized where it came in from the harbor, and they're putting up a dune to block that pathway. So that's exactly the application that you're talking about. Thank you.

MS. SHANNON JARBEAU: Sure.

SPEAKER MCAULIFFE: Thank you. And I want to speak for the Assembly. When we hear from County departments and County employees who are so well-informed, so cutting edge, so prepared and really doing an excellent job for the County, it makes us all, I think, kind of reaffirm why we're here in terms of wanting to do the regional things because I think you really make -- your group of employees really makes Barnstable County proud and are doing some really useful things for the County. Thank you.

MS. SHANNON JARBEAU: Thank you.

DELEGATE O'HARA: All set.

#### **SUMMARY: COMMUNICATIONS FROM PUBLIC OFFICIALS**

- **Reminder from Commissioner Cakounes that OneCape Summit is 8/16 and 8/17/18**
- **Shark attach has been reported in Truro**

SPEAKER MCAULIFFE: All right. Any communications from Public Officials? Commissioner Cakounes.

COMMISSIONER CAKOUNES: Madam Speaker, two things very quickly. One is I just want to remind everybody that OneCape is Thursday and Friday of this week, and Jack and I will be making a presentation to the people there on Friday afternoon. And it's going to

include what Shannon just showed you here for the towns.

And the second thing, again, going back to my funny/serious note, I apologize to the Speaker and to the Assembly for the gang behind Shannon here acting like a bunch of 12-year olds all out on our phones while she was speaking, but we just had a shark attack in Truro and it's hitting the news.

SPEAKER MCAULIFFE: Oh.

COMMISSIONER CAKOUNES: And as you can well imagine, everyone's phone is buzzing, and I'm sure you're going to hear about it. So at this time, I believe, it has not been a death but it's a pretty serious attack. So I just want to apologize if the phones going off behind Shannon while she was doing her presentation annoyed anyone.

SPEAKER MCAULIFFE: I think we understand that at your level that you can't be incommunicado the way we can when we're at the table typically.

COMMISSIONER CAKOUNES: Thanks.

SPEAKER MCAULIFFE: Thank you.

SPEAKER MCAULIFFE: And then any communications from members of the public?

I don't see any members of the public. All right.

### **ASSEMBLY CONVENES**

SPEAKER MCAULIFFE: The Assembly will convene then.

SPEAKER MCAULIFFE: I don't believe we have committee reports. We do have a couple of people who are serving on other committees. So, as those committees meet not just the subcommittees of the Assembly, they can come back with reports as their groups meet.

Delegate Ohman's on the Grants Committee; when that meets, we'll get updates. And the other -- oh, and Delegate Killion is on the Coastal Management, so this all fits in with your coastal management.

DELEGATE KILLION: It does.

### **SUMMARY: REPORT FROM THE CLERK**

- **Detailed MUNIS FY19 budgets are available electronically or in hard copy by request**
- **Next meeting of the Assembly will be on 9/5/18**

SPEAKER MCAULIFFE: Report from the Clerk.

CLERK O'CONNELL: Thank you, Madam Speaker. As Commissioner Cakounes indicated earlier, information is available regarding history of -- that was provided to the Commissioners from Tales of the Cod back to 1774, and I did receive an email from Jack, so I have forwarded that to you while you were at the meeting. I love technology. So, you've got that in your mailbox.

In addition, I had a request from a Delegate to get a detailed version of the FY19 MUNIS Budget, the revenues and expenses. I did receive that late this afternoon, so I have forwarded that to your mailbox as well. It's lengthy so if you want me to print a hard copy for

you, let me know, and I will do that, and it will be in your folder for the next meeting which, by the way, will conclude my report today, that will be September 5. So, you have a little bit of a small break, if you will, in August because we have five Wednesdays. So the next Assembly meeting will be the 5th of September. Traffic will be gone, the weather will be a little cooler, and that's all I have to report today.

**SUMMARY: OTHER BUSINESS**

- **Eastham Delegate Edward Atwood has resigned**
- **Standing Committee vacancies as a result of resignation with Delegate Moran appointed as alternate to Telecommunications & Energy Committee; others interested in filling Health and Human Services and Economic Affairs regular member slot should let the Speaker know**

SPEAKER MCAULIFFE: Thank you. Under “Other Business,” as everyone is aware, the Delegate from Eastham, Edward Atwood, has resigned his position for the Assembly. And because of the timing, it's within six months of the next election date, Selectmen are not able to reappoint, so that seat will stay vacant.

And there's also, I guess, an issue with having candidates so they may have to have a write-in vote for their election in November. But I just wanted people to know that if you weren't aware of the resignation, which leaves two committee slots from Mr. Atwood open. Delegate Atwood served on the Standing Committee on Health and Human Services and on the Standing Committee on Economic Affairs. He was an alternate on the Standing Committee on Telecommunications and Energy, and I had a request from Delegate Moran to serve as the alternate on that so I'm going to grant that. But if anyone has a desire to sit on Health and Human Services or Economic Affairs for the --

CLERK O'CONNELL: December.

SPEAKER MCAULIFFE: -- until December, I'd say, please let me know. Otherwise, I will kind of look at the puzzle and try and work it out and see who can cover these committees. Chances are they may not meet but I'd like to be prepared with a full committee if we need to have that.

Is there anything from any of the Delegates?

I'll take a motion.

**DELEGATE MORAN: Motion to adjourn.**

**SPEAKER MCAULIFFE: We are adjourned.** Thank you.

**Whereupon, it was moved to adjourn the Assembly of Delegates at 5:20 p.m.**

**Submitted by:**

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

**List of materials used at the meeting:**

- **Business Calendar of 8/15/18**
- **Unapproved Journal of Proceedings of 8/1/18**
- **Personnel Policy and Procedures Manual and Appendices D with blank form, E, H, and I**
- **PowerPoint presentation slides – Community Rating System and Floodplain Management**