

AGENDA PACKET

09/27/18 REGULAR MEETING

DOCUMENT LIST

Agenda Item 5a:

- No documents.

Item 8a:

- No documents.

Item 8b:

- No documents.

Item 8c:

- Memorandum dated September 26, 2018 to the County Commissioners from Owen Fletcher, Executive Assistant, regarding a Grounds Request from Cape Cod Doxie Day
- Backup Documentation printed from <https://www.ccdoxieday.com/> on September 26, 2018 at 4:13 P.M.

Item 8d:

- Letter dated September 7, 2018 to Michael Maguire, Director of Cape Cod Cooperative Extension (CCCE) from Lisa Sullivan-Werner, SNAO-Ed & EFNEP Leader, NEP Director, of UMass Extension, Nutrition Education Program, State Office, confirming its intent to contract with CCCE to deliver the nutrition education program as documented in the FY2019 Barnstable County SNAP-Ed project plan
- Fund Request Memo dated September 19, 2018 to Jack Yunits, County Administrator, from Julie Ferguson, Director, Resource Development Office, regarding a New Fund for the Snap-Ed Program

- Fund Request Memo dated September 29, 2018 to Jack Yunits, County Administrator, from Sonja Sheasley, Officer, Resource Development Office, regarding a New Fund for the Snap-Ed Program
- Letter dated September 25, 2017 to Michael Maguire, Director of Cape Cod Cooperative Extension (CCCE) from Lisa Sullivan-Werner, SNAP-Ed & EFNEP Leader, NEP Director, of UMass Extension, Nutrition Education Program, State Office, confirming its intent to contract with CCCE to deliver the nutrition education program as documented in the FY2019 Barnstable County SNAP-Ed project plan
- Memorandum to Lisa Sullivan-Werner, SNAP-Ed Leader from Michael Maguire, Director of CCCE regarding a SNAP-Ed Scope of Services dated April 12, 2017

Item 11a:

- Proclamation reaffirming and ratifying a declaration that Barnstable County would continue to operate under home rule, in opposition to a British decree, originally signed on September 27, 1774
- Backup Documents for a Presentation from Tales of Cape Cod to the Board of Regional Commissioners on August 8, 2018

AGENDA ITEM 8c

Authorizing the approval of a grounds request from Cape Cod Doxie Day for an event on September 29, 2018



BARNSTABLE COUNTY

OFFICE OF COUNTY ADMINISTRATOR
SUPERIOR COURTHOUSE
3195 MAIN STREET
P.O. BOX 427
BARNSTABLE, MASSACHUSETTS 02630

Jack T. Yunits, Jr.
County Administrator
Cell: (508) 510-1127
Office: (508) 375-6771
Fax: (508) 362-4136
Jack.yunits@barnstablecounty.org

MEMORANDUM

DATE: September 26, 2018
TO: County Commissioners
FROM: Owen Fletcher, Executive Assistant
SUBJECT: Grounds Request from Cape Cod Doxie Day

Please authorize the approval of a grounds request from Cape Cod Doxie Day for an event on September 29, 2018.

Approved:

Board of Regional Commissioners

Leo G. Cakounes, Chair

Ronald R. Beaty, Vice-Chair

Mary Pat Flynn, Commissioner

Date



A gathering of Doxies, Wiener-Wannabes, Dachshund Lovers, and Friends

September 29, 2018

from NOON *til* 3PM

Barnstable Village, Cape Cod

3195 MAIN STREET, BARNSTABLE MA 02630

All events take place behind the courthouse

FREE ADMISSION and **PLENTY OF FREE PARKING**

RAINDATE SUNDAY, SEPTEMBER 30TH

A Cape Cod tradition continues as we celebrate everything dachshund in charming Barnstable Village. Join the first ever Wiener Waddle and Waggin' Parade, cheer on your favorite doxie in the Doxie Dash. Think you have the longest dachshund or teeniest weenie? Enter contests to win prizes and bragging rights. So come on out and sing the official Dachs-song, mingle and meet other doxies to benefit local animal organizations.

FUNDS RAISED BY CAPE COD DOXIE DAY 2018 WILL BENEFIT [THE SAMPSON FUND](#)

BRING ALONG PACKAGED or CANNED PET FOOD and CAT LITTER FOR [CCDART](#)

[All the Details](#)

[2018 Keepsake Booklet](#)

Sponsor
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where
when
and what will
be happening at
**Cape Cod
Doxie Day 2018**

[More Info](#)

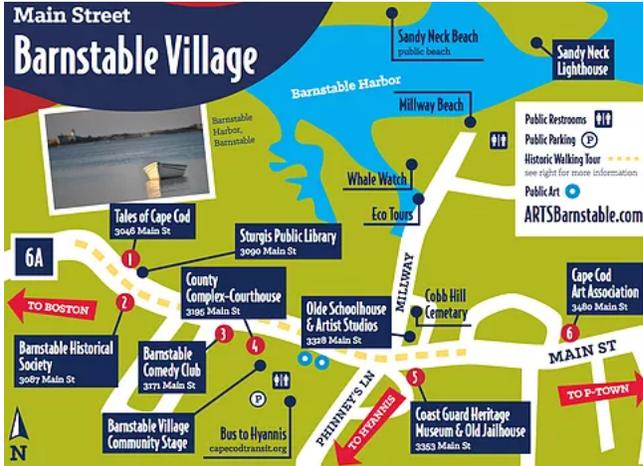
Does your
dog make
you **smile?**

Find out how to feature your pet on
the SMILES PAGE in the official 2018
Cape Cod Doxie Day **booklet**

[More Info](#)



Submit



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EVENTS



Wiener Waddle and Waggin' Parade

Join in our very first Wiener Waddle and Waggin' Parade. Dachshunds in costume are welcome and encouraged, but not necessary to join. Parade floats made from decorated wagons and dog strollers will be judged and prizes awarded.

PRIZES AWARDED FOR BEST COSTUME | BEST WAGGIN' | BEST WADDLE
WAG BAGS COURTESY OF COUNTRY GARDEN FOR THE FIRST 10 WAGGINS'

[Click here for rules and information.](#)



Doxie Dash

Get your spot in the 2018 Cape Cod Doxie Day races. Each heat is a contest of speed, stamina and will... aaah, depending on the participants mood. Five participants per heat. Each participant must be registered.

[Click here for rules and registration form.](#)



Contests

Think you have the longest dachshund or the teeniest weenie? Does your dog do amazing tricks? Enter for a chance to win prizes and bragging rights.

Best Ears | Teeniest Weenie | Longest Doxie | Silver Senior
Owner/Pet Look Alike | Hairiest Hound | Best Trick
Best Kisser | Best in Show | Wiener Wannabe



photo credit DEAN SABADINA

Photos with the Oscar Mayer Wienermobile

Have your photo taken with your doxie and the Oscar Mayer Wienermobile pedal car.

Silent Auction and Raffles

Stop by the pavilion and check out the awesome raffle and silent auction items.

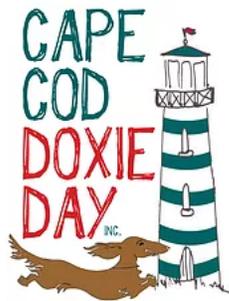
ABOUT



Dachshunds bring joy to our lives. They make us smile with their funny little shapes and big personalities, and life wouldn't be the same without them. Cape Cod Doxie Day began ten years ago because of them. It is a way to celebrate the happiness they bring, it is a way to gather with friends and family and meet new friends, get a little silly, give back, and enjoy the beauty of a fall day on Cape Cod. We hope you will spend the day with us, and find many reasons to smile all around you .

See you all at Cape Cod Doxie Day as a new tradition begins in Barnstable Village.

Eva



OFFICERS

EvaMarie Carbonaro
President

Betsy Davis
Vice President

Matthew Carbonaro
Secretary

BOARD MEMBERS

EvaMarie Carbonaro
Betsy Davis
Peter Battista
Matthew Carbonaro

Cape Cod Doxie Day 2018

[About Us](#) [Event Details](#) [Gallery](#) [FAQ](#)

SPONSORS



DONORS



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BENEFICIARIES 2018



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RULES for a PET FRIENDLY EVENT

To be sure everyone has a great time there are a few rules to keep everyone safe and happy:

- All well behaved dogs are welcome on a non-retractable leash at all times or at a locked 6' maximum lead
- Waste bags are available around the venue. PLEASE clean up after your pet.
- Dogs must be current on rabies vaccination
- Water stations are located throughout the venue or bottled water is available for purchase
- Event organizers reserve the right to eject any aggressive, or obviously ill animal
- Pet owners assume full responsibility for their pets. Cape Cod Doxie Day organizers, and The Barnstable Village Association cannot be held liable for any incidents or injury. By entering the festival, attendees accept full responsibility for any risks to themselves and their pets.

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frequently asked questions

HOW DO WE GET THERE?

Easy to get to from Route 6 West – take Exit 6, merge onto Route 132 North / Iyannough Road towards Barnstable, make a slight right towards Main Street and merge onto Main Street

ARE THERE PET FRIENDLY PLACES TO STAY OVERNIGHT

There are many places that welcome pets on Cape Cod. A good resource for finding a pet friendly place to stay is <http://capebeachdog.com/dog-friendly-hotels-barnstable>

ARE THERE PET FRIENDLY RESTAURANTS NEARBY

The Barnstable Tavern has outdoor courtyard seating on Main Street weather permitting.

Osterville Fish Too is ½ mile down from Main Street for chowder and lobster rolls with outdoor picnic tables

Smitty's Ice Cream is right on Main Street with picnic tables

The Barnstable Market on Main Street has snacks, sandwiches, pizza and more with outdoor chairs

Nirvana Coffee Shop on Main Street has specialty coffee and tea with outdoor chairs

Cape Cod Beer - 1 mile away welcomes friendly dogs on leash in the beer garden.

ARE THE BEACHES PET FRIENDLY

After Labor Day most beaches in Barnstable welcome dogs on leash. There is also a new dog park at the entrance to Hathaway's Pond on Phinney's Lane about 1 mile away.

DO YOU ACCEPT CREDIT CARDS

Some vendors accept credit cards or checks. There is a Cape Cod Five ATM right on premises.

I HEARD DOXIE DAY WAS NOT GOING TO BE ON CAPE COD THIS YEAR! IS THIS TRUE?

Cape Cod Doxie Day will take place in historic Barnstable Village, Cape Cod with funds this year going to The Sampson Fund. Unfortunately the New England Doxie Day event planned in Walpole, MA with funds going to C2CDR has been cancelled.

ARE DOGS OTHER THAN DACHSHUNDS WELCOME?

Yes! All well-behaved dogs are welcome at Cape Cod Doxie Day, so long as they are vaccinated and on-leash.

HOW MUCH MONEY SHOULD I PLAN TO BRING TO CAPE COD DOXIE DAY?

Admission and parking are free. Entry to most contests and events require a \$5 donation, with funds going directly to our 2018 beneficiaries. Raffles, silent auction, and a 50/50 are also available for donation.

SHOULD I BRING WATER AND SNACKS FOR MY DOG

There will be bowls of water throughout the venue as well as bottled water for purchase. Many vendors have dog treats and samples available as give-aways.

If you can't find the answers to your questions here,
please email us at doxiedayinfo@gmail.com

AGENDA ITEM 8d

Authorizing the creation of a new fund for a grant from the United States Department of Agriculture (USDA), through the University of Massachusetts Extension Nutrition Education Program (NEP), to the Cape Cod Cooperative Extension, in the amount of \$31,878.00, to deliver a Supplemental Nutrition Assistance Education Program (SNAP-Ed) for a period from October 1, 2018 through September 30, 2019



RESOURCE DEVELOPMENT OFFICE

FUND REQUEST MEMO

DATE: September 19, 2018

TO: Jack Yunits, County Administrator, County of Barnstable

FROM: Julie Ferguson, Director , Resource Development Office

SUBJECT: NEW FUND FOR SNAP-ED Program

The UMASS Nutrition Education Program subcontracts to the Cape Cod Cooperative Extension each year for the SNAP-ED program. Funding is through the MA Department of Transitional Assistance.

Department: Cape Cod Cooperative Extension

Funder: UMASS Nutrition Education Program

Amount: \$31,878.00

Purpose/Project: The funds pays for contractual services and supplies to deliver a nutrition education program to elementary youth under the Barnstable County School Nutrition Education Project.

Please establish a new fund for this grant for period of performance 10/1/18-9/30/19

Respectfully Submitted,

Julie Ferguson
Resource Development Office

Approved:

Leo G. Cakounes, Chair

Ronald R. Beaty, Commissioner

Mary Pat Flynn, Commissioner

Date



205 Chenoweth Laboratory • 100 Holdsworth Way • Amherst, Massachusetts 01003-9282 • ph.413.545.2195 • f.413.577.4320

September 7, 2018

Mr. Michael Maguire, Director
Cape Cod Extension
Deeds and Probate Building
Railroad Avenue, PO Box 367
Barnstable, MA 02630-0367

Dear Mr. Maguire,

This is to confirm that the University of Massachusetts Extension Nutrition Education Program is intending to contract with Barnstable County Cape Cod Extension to deliver the nutrition education program as documented in the FY2019 Barnstable County SNAP-Ed project plan. Through this project, UMass will provide \$31,878.00 for the educational program detailed in the approved Scope of Services (10/1/18 to 9/30/19).

Funding for this contract is contingent upon provision of funding from USDA under the Supplemental Nutrition Assistance Program (SNAP-Ed funding). The Massachusetts Department of Transitional Assistance (DTA) approved our SNAP-Ed plan and the statewide plan is currently under review by the USDA Food and Nutrition Service (FNS). Once they approve the plan, the contract between DTA and UMass will be developed with an anticipated start date of October 1. As in past years, once the contract is dually signed by both UMass and DTA, then our UMass Office of Grant and Contract Administration will be able to proceed with setting up the subcontract with Barnstable County.

As always, thank you for your support and commitment to this program and I look forward to another successful year.

Sincerely,

Lisa Sullivan Werner

Lisa Sullivan-Werner
SNAP-Ed & EFNEP Leader, NEP Director

Cc: Susan Bourque

Jack Yunits

Jack Yunits County Administrator

RESOURCE DEVELOPMENT OFFICE

FUND REQUEST MEMO

DATE: September 29, 2017

TO: Jack Yunits, County Administrator

FROM: Sonja Sheasley, Resource Development Officer

SUBJECT: NEW FUND FOR SNAP-ED Program

Explanation: The UMASS Nutrition Education Program subcontracts to the Cape Cod Cooperative Extension each year for the SNAP-ED program. Funding is through the MA Department of Transitional Assistance.

Department: Cape Cod Cooperative Extension

Funder: UMASS Nutrition Education Program

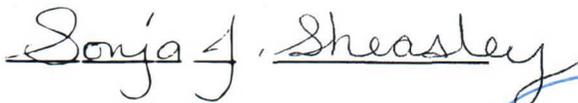
Amount: \$31,878.00

Purpose/Project: The funds pays for contractual services and supplies to deliver a nutrition education program to elementary youth under the Barnstable County School Nutrition Education Project.

Please establish a new fund for this grant.

Respectfully Submitted,

RDO Officer Signature:



Leo Cakounes, Chair



Mary Pat Flynn, Vice-Chair



Ron Beaty, Commissioner

10/04/17
Date

September 25, 2017

Mr. Michael Maguire, Director
Cape Cod Extension
Deeds and Probate Building
Railroad Avenue, PO Box 367
Barnstable, MA 02630-0367

Dear Mr. Maguire,

This is to confirm that the University of Massachusetts Extension Nutrition Education Program is intending to contract with Barnstable County Cape Cod Extension to deliver the nutrition education program as documented in the FY2018 Barnstable County SNAP-Ed project plan. Through this project, UMass will provide \$31,878.00 for the educational program detailed in the approved Scope of Services (10/1/17 to 9/30/18).

Funding for this contract is contingent upon provision of funding from USDA under the Supplemental Nutrition Assistance Program (SNAP-Ed funding). The Massachusetts Department of Transitional Assistance (DTA) and the USDA Food and Nutrition Service have approved our SNAP-Ed plan and the contract between DTA and UMass is being developed. The start of the contract year will be October 1. As in past years, once the contract is dually signed by both UMass and DTA, then our UMass Office of Grant and Contract Administration will be able to proceed with setting up the subcontract with Barnstable County.

As always, thank you for your support and commitment to this program and I look forward to another successful year.

Sincerely,



Lisa Sullivan-Werner
SNAP-Ed & EFNEP Leader, NEP Director
Cc: Susan Bourque



Steve Tebo
Assistant County Administrator
Barnstable County

10/10/17
Date

TO: Lisa Sullivan-Werner, SNAP-Ed Leader
FROM: Michael Maguire
Director, Cape Cod Cooperative Extension
SUBJECT: SNAP-Ed Scope of Services
DATE: April 12, 2017

EXHIBIT A

Scope of Services

Barnstable County- Cape Cod Cooperative Extension
FY 2018 Supplemental Nutrition Assistance Program Education (SNAP-Ed)

October 1, 2017- September 30, 2018

1. Nutrition education will be provided through single session workshops, workshops series, displays, food demonstrations, food tastings, and printed materials to low-income adults and youth as well as the staff/volunteers serving them throughout Barnstable County. See planned activities as described in the attached Excel spreadsheet.
2. A mid-year report and a final report will be submitted documenting participation and educational outcomes from the project.

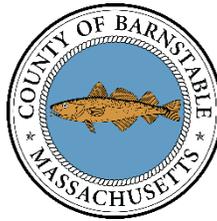
EXHIBIT B

\$19,080.00	Contractual Services (100% SNAP-Ed Project; 1060 hours at \$18.00/hour)
\$9,900.00	Teaching Supplies/Materials for SNAP-Ed Project
\$2,898.00	Indirect Costs (10% of total direct costs)
\$31,878.00	Total Budget

AGENDA ITEM 11a

Presentation by and request from Tales of Cape Cod on a Barnstable County Declaration of Independence reaffirming actions of September 27, 1774

The County of Barnstable



Declaration of Independence 1774-2018

Whereas there have been of late several acts of the British Parliament passed tending to introduce an unjust and partial administration of justice; to change our free constitution into a state of slavery and oppression, and to introduce Popery in some parts of British America, &c.:

Therefore, we the subscribers do engage and declare that we will not accept of any commission in consequence of, or in any conformity to, said acts of Parliament, nor upon any unconstitutional regulations;

And that if either of us is required to do any business in our offices in conformity to said acts or any way contrary to the charter of this province,

We will refuse it although we may thereby lose our commissions.

Originally Signed on Sept. 27, 1774

James Otis, Thomas Smith, Joseph Otis, Nymphas Marston, Shearjashub Bourne, David Thacher, Daniel Davis, Melatiah Bourne, Edward Bacon, Isaac Hinckley, Solo. Otis, Kenelm Winslow, Richard Bourne

Reaffirmed and Ratified on This Day Sept. 27, 2018

Board of Regional Commissioners

Leo G. Cakounes, Chair

Ronald R. Beaty, Vice Chair

Mary Pat Flynn, Commissioner



Connecting People to the Cape's
Unique History

**Barnstable County Commissioners
Superior Court House
3195 Main Street
Barnstable, MA 02630**

August 8, 2018

We are writing for Tales of Cape Cod to propose that the Barnstable County Commissioners declare September 27 to be Cape Cod Independence Day.

Cape Cod actually achieved its independence from the British on that day in 1774 — almost two years before the united colonies formally declared their independence in Philadelphia in 1776. It happened thanks to the agreement of Barnstable County officials to ignore the “Intolerable Acts” imposed by Britain that year on the Massachusetts Bay colony.

Yet hardly anybody knows of it. And it occurred right here in Barnstable, in front of the Olde Colonial Courthouse on Rt. 6A.

That is why Tales of Cape Cod, which preserves the old courthouse, is proposing that today’s County leaders follow up on what their predecessors began in 1774, by declaring September 27 to be Cape Cod Independence Day, in recognition of that unheralded event.

The Background: In May of 1774, the British Parliament abrogated the 1691 charter that had governed the Province of Massachusetts for 83 years — eliminating the large degree of democratic self-government the colony had long enjoyed.

The Cape would have none of it. So on Sept. 27 — the start of the county court’s fall session — an orderly protest of perhaps 1,500 unarmed citizens confronted county officials in front of the courthouse and demanded, successfully, that they ignore the new rules Parliament sought to impose. As a result, from then on, the Cape was entirely free of British rule, and conditions were created that helped precipitate the Battle of Lexington and Concord and, ultimately, the Revolutionary War.

When history is written it is generally about great men — Washington, Jefferson, Adams — and great battles — Lexington and Concord, Bunker Hill, Yorktown. But history can be made by ordinary people, quietly doing extraordinary things. As John Adams observed: “The Revolution was effected before the War commenced. The Revolution was in the Minds and Hearts of the People.”

Yet that fundamental revolution goes largely unacknowledged in history books. Tales of Cape Cod is proposing that it now be recognized as it happened here, on Cape Cod. The Barnstable Old King’s Highway District Committee and the Barnstable Historical Commission have endorsed the idea.

Gene Guill, President, Tales of Cape Cod

Phineas Fiske, Member, Tales’ Board of Directors
Contact: 508-362-0123 Email: prfiske@yahoo.com

Attachments: Letter of support for the proposal from historian Ray Raphael,
An article from the Cape Cod Times “The Revolution Started with No Shots Fired,”
And a narrative of the events of Sept 27, “About the Courthouse,” from Tales of Cape Cod’s Web site.

Board of Directors

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John Littlefield

Jude Martin Blaine
Vanessa Mendes
Nancy Mueller
Richard Oliver

Lesley Wallace
Bronwen Howells Walsh
Gregory Williams

Olde Colonial Courthouse; 3046 Main Street; P.O. Box 41; Barnstable, MA 02630
e-mail: tales@talesofcapecod.org | website: talesofcapecod.org

The Revolution started with no shots fired

By Phineas Fiske

This month Americans commemorated Independence Day, that moment in 1776 when the Continental Congress formally adopted Thomas Jefferson's enduring statement of American principles and the causes for separation from Great Britain.

Every April, Massachusetts observes Patriots Day, marking the Battle of Lexington and Concord - the spark that compelled the Congress to create the Continental Army and put George Washington in charge.

But few people are aware of the real start of the American Revolution, let alone formally celebrate it. To give credit where it's due, they ought to.

The Revolution actually began in the late summer and early fall of 1774, when the people of Massachusetts, from the hills of the Berkshires to the shores of Cape Cod, rose up en masse and simply refused, point-blank, to accept British dominion anymore.

Without a shot being fired.

And the British, who lacked troops enough to enforce their rule over the entire Colony, were powerless to intervene.

It was because of that loss of control of the Massachusetts countryside that the redcoats

were dispatched to Concord the next April to secure munition stored there. And so the war began.

"What do we mean by the American Revolution?" asked John Adams in 1818, in response to a journalist's question. "Do we mean the American War? The Revolution was effected before the War commenced. The Revolution was in the Minds and Hearts of the People."

But we do not celebrate that revolution. Why? Because, as historian Ray Raphael has written, "Lacking bloodshed, lacking famous personalities, lacking a singular event or unique location, the Massachusetts Revolution of 1774 has been neglected by history."

Yet by the end of the autumn of 1774, all of Massachusetts except Boston, where the redcoats were quartered, was free of British control. And it came about because ordinary people - farmers and tradesmen, shopkeepers and craftsmen - assembled in shire towns across the colony and demanded that county and court officials forswear their obedience to the royal governor.

The catalyst for their protests was the Massachusetts Government Act, imposed by Parliament the previous spring

to punish the colony for the Boston Tea Party.

Massachusetts had been largely self-governing under its 1691 royal charter. The Government Act shredded its long-held democratic rights and tightened the royal governor's grip on most aspects of local government.

Those county court officials, confronted by gatherings of upwards of thousands of ordinary people, could not refuse their demands.

That is where Massachusetts' - and then America's - freedom began.

On Cape Cod, these events occurred about 2 miles from my home. The uprising took place in front of Barnstable's Olde Colonial Courthouse. Its immediate purpose was to prevent the court from sitting under the newly imposed rules. But its broader goal was to nullify those rules entirely.

And that is what happened. Not in that courthouse, but in front of it, where about 1,500 men blocked the judges and other county officials from opening the fall session of the Court of Common Pleas and won their agreement to simply ignore the new law.

That little wooden courthouse was supplanted in 1842 by a handsome new granite edifice a few blocks away. The

old building fell into decline, until it was rescued four years later by a newly formed Baptist congregation and transformed into a conventional country church. After the church was disbanded in 1972, the historic building was acquired by a Barnstable historical society, Tales of Cape Cod.

So that structure still stands today, one of only two courthouse buildings that remain where those historic - and uncelebrated - confrontations took place.

Tales of Cape Cod organizes interpretive re-enactments of the event for schoolchildren. But there is no official, municipal or countywide recognition of what happened here that autumn of 1774 to change America.

Yes, it may be hard to celebrate an event without heroes or conflict, without battlefields or birthdays.

But is this not an occasion worthy of our attention? Do the united efforts of the common man, directed toward a common good, effecting major change without violence or bloodshed, not merit celebrating?

Phineas Fiske of Barnstable wrote editorials for Newsday in New York for 25 years. He is a Tales of Cape Cod volunteer

80 Barnes Lane • PO Box 979 • Redway, California 95560 • (707) 407-5652 •
raphael@asis.com

To whom it may concern:

I am writing in support of the proposal to designate September 27, the anniversary of the monumental closing of the British courts in Barnstable in 1774, as Cape Cod Independence Day. To understand the reasoning for this, we need historical context.

To punish the perpetrators of the Boston Tea Party, Parliament closed the Port of Boston. Worse yet, in the Massachusetts Government Act, it gutted the 1691 Charter for Massachusetts, which functioned as its constitution. No longer could citizens call their own town meetings; they needed permission from the royal governor, and once they met, they could not discuss any items the governor had not approved. No longer could the people's representatives choose the powerful Council, the body that functioned as the legislature's upper house, the governor's advisory cabinet, and the administrative arm of provincial government. No longer did the people have any say in choosing judges, jurors, justices of the peace, or sheriffs—the officials who could instantaneously upend a person's life.

Suddenly disenfranchised, the people of Massachusetts rose up and rebelled. In August 1774, when the act took effect, citizens forced all thirty-six Crown-appointed councilors to resign their posts or flee from their homes. They convened town meetings whenever and wherever they wanted, even in Salem, literally a stone's throw from Governor Thomas Gage's temporary office.

Most significantly, well organized crowds in every shire town (county seat) besieged the all-important county courts whenever one was slated to convene and prevented these imperial outposts of judicial and executive authority from doing business of any kind. In this manner, the Massachusetts Government Act became "a blank piece of paper and not more," in the words of a contemporary.

Here are the dates of the court closings:

August 16: Great Barrington (Berkshire County)
August 30: Springfield (Hampshire County)
September 6: Worcester (Worcester County)
September 13: Concord (Middlesex County)
September 27: Barnstable (Barnstable County)
September 27: Taunton (Bristol County)
October 4: Plymouth (Plymouth County)

In contiguous mainland Massachusetts, only two county courts remained open. Protesters in Essex County allowed the court to proceed with business, but only under prior legal authority; it was not to pay any heed to the Massachusetts Government Act. Ironically, only in Suffolk County, which included Boston, did courts remain open, protected by the British soldiers stationed there.

With this rash of court closures, all British authority vanished forever from all of Massachusetts outside Boston—without the loss of a single life. Half-a-year later, British officials ordered a march on Lexington and Concord, attempting to seize arms and restore some British presence in the countryside. That was a counter-revolutionary military offensive. The real “revolution,” the transfer of political authority, had occurred with the dramatic court closures of 1774.

I have detailed all this in my book, *The First American Revolution: Before Lexington and Concord* (2002). For my work in uncovering the history of these dramatic happenings, the Massachusetts Humanities Council granted me the Bay State Legacy Award for 2013. Recently, my wife and I have shown in *The Spirit of 74: How the American Revolution Began* (2015) that any full narrative leading to the outbreak of war *must* feature the first transfer of authority from Britain to colonial Americans, in Barnstable County and throughout all of Massachusetts outside of Boston in the late summer and early fall of 1774.

Why do we not already celebrate such a monumental popular uprising? There are several reasons. “If it bleeds it leads,” and it didn’t bleed. There were no famous leaders; all decisions were made by the people themselves or by special, impromptu committees. It was ubiquitous, without a simple narrative line. It simply erupted throughout the province, including Barnstable County.

People are beginning to take notice. Some textbooks are now including the story. The town of Worcester staged a celebration and reenactment on the 240th anniversary of the court closure and plans a much larger event to the 250th. Worcester has been at the forefront of the push for greater acknowledgement, partly because of numerous contemporaneous records that document events there, including an actual head count (4,622) of participants in the court closure—approximately half the adult male population of the county. Several of these primary sources are featured on the [documents page of my website](#).)

Barnstable County has a special opportunity to raise people’s awareness of the dramatic revolution of 1774. We experience history in part through the preservation of historical sites, and **Barnstable’s Olde Colonial Courthouse is one of only two sites of the 1774 closures still standing in the original location.** The other is in Plymouth, but that town chooses to focus on Plymouth Rock.

By designating September 27 as Cape Cod Independence Day, marking the anniversary of the consequential court closure in 1774, Barnstable County would elevate Cape Cod to its rightful place as one of the key birthplaces of the American Revolution.

Sincerely,

Ray Raphael

For more on my work, including ten books on the Founding Era, see my Website, [rayraphael.com](#)

HELP SUPPORT TALES OF CAPE COD



About the Courthouse

Construction of the **Olde Colonial Courthouse** began in the year 1763. It was the second courthouse to be built in Barnstable County, replacing an earlier, smaller one at the corner of what is now Pine Lane and Rt. 6A.

But its story really begins eleven years later.

On the morning of Monday, Sept. 26, 1774, several hundred Massachusetts colonists assembled in Sandwich, near the liberty pole (at what is now 138 Main Street). They had an objective: To shut down Barnstable County court. And they had a plan: They elected Nathaniel Freeman their leader and approved a code of conduct: No drinking, no profanity, no violence. They would maintain good order throughout their protest.

At about 6 o'clock the next day, they stepped off to the rattle of drums on a 12-mile march along King's Highway, now Rt. 6A, to Barnstable, the county seat for Cape Cod. The men on horseback led; those on foot came behind, in double file. These were not soldiers; they were ordinary men.

Sometime about 9 a.m., at Great Marshes in West Barnstable, the marchers drew up in front of the **saltbox-style house of Col. James Otis**, now commemorated by a plaque set in a boulder on the roadside (opposite a Cape Cod Cooperative Bank branch and the West Barnstable Post Office).



Otis was the chief judge of the county's Court of Common Pleas. They marchers were about to descend on his courthouse, an hour or so further east, to issue their demands. But first, as Otis stepped out his front door, they doffed their hats to him in respect.

He was, after all, not the target of their protest. He was sympathetic with their cause: The restoration of their long-held rights of self-government that Britain had just summarily ripped away.

It was in fact Otis's first son, James Otis Jr., whose fiery oratory had first alerted the Province of Massachusetts Bay to earlier abuses the British had imposed on the colony.

And it is likely that his second son, Joseph Otis, though a lesser court official himself, slipped into the crowd as it resumed its march. As events played out, he would be conspicuous among the protest's leaders.

The Body of the People

As the assemblage arrived at the courthouse, about 10 a.m., it joined other Barnstable County residents already assembled, from towns as far-flung as Chatham and Truro. By the time they had massed in front of the building, they numbered as many as 1,500, by various estimates.

Today, that might not seem an extraordinary number. But then, the entire population of Cape Cod was about 15,000, including every man, woman and child. So the gathering represented something like 10 percent of the entire population — and about half the total number of households.

There could be no doubt that this was not a special pleading, not a mere faction gathered at the courthouse door. It was, in the terminology of the day, "the Body of the People."

The assemblage agreed to keep Nathaniel Freeman as the leader and appointed a committee to draft a statement of their demands.

When Col. Otis and other county officials arrived for the scheduled start of the court's fall session, the protesters barred their way. Asked the purpose of the assemblage, Freeman announced, in part: "Oppressed by the view of the dangers with which we are surrounded... [we] have directed this movement to prevent the court from being opened or doing any business."

To that Otis replied "This is a legal and constitutional court... As is my duty, I now, in his Majesty's name, order you immediately to disperse." To which Freeman in turn replied, equally politely, "We thank your honor for having done your duty; we shall continue to perform ours."

They did not budge. And Freeman asked the court for time to prepare an address to the judges.



The judges agreed, and repaired to the nearby **Crocker Tavern** (now the Crocker Tavern House at 3095 Main Street) for lunch.

Intolerable Acts

The dangers the Body of the People reacted to were what Parliament termed the “Coercive Acts,” measures to punish Boston for dumping 46 tons of tea into the harbor to protest British efforts to wrest more revenue from the colonists — with the hated tax on tea.

In the words of Lord North, the British prime minister, the acts were designed” to take the executive power from the hands of the democratic part of government.”

To the colonists, those acts were intolerable, and their particular concern was the Massachusetts Government Act.

For the previous 84 years, the province had been governed under a 1691 royal charter, which permitted its population nearly complete local autonomy. Towns conducted business at open meetings of the people. Towns chose local officials and elected representatives to the provincial Assembly. The Assembly in turn selected members of the governor’s council.

And jurors were chosen by the county's various towns for each year's court sessions.

No more. Henceforth, the governor would strictly control the number and topics of town meetings. He would appoint county officials and he, not the Assembly, would select members of the Council.

And the governor's sheriffs would appoint all jurors, stacking the deck in favor of the Crown. That was the pretext of the protest. But that issue was largely symbolic at the moment: Jurors for the court session about to begin had been selected by town selectmen months before.

Rather, the real goal of the Body of the People was to confront the various county officials who would assemble at the courthouse that day, in order to demand, as Freeman put it, that they not in any manner carry out the Government Act's onerous new provisions.

By what means?

But how would the assemblage gain that assurance?

A committee was appointed to draw up the address to the judges. It said:

"May it please your Honors, the inhabitants of this province being greatly alarmed by the last unconstitutional acts of the British Parliament...

"A great number of the inhabitants of the County of Barnstable, being now convened... do hereby request your Honors to desist from all business in said courts...until the mind of the continental, or of a provincial, congress shall be obtained...

"And that your Honors will not in any manner ever assist in carrying said unconstitutional acts into execution."

In response, the judges declared they were, indeed, "not inclined," to adhere to the act's new requirements. The protesters rejected that formulation: "Not inclined" was not firm enough a pledge.

So the committee went back to the people, to draw up a declaration for the judges to sign:

They must agree, in writing, to decline any commission in conformity with the unjust acts of Parliament, and to refuse to take any actions contrary to the 1691 charter — or

resign if required to do so.

They all signed the proffered statement. And Otis cancelled the court's fall session.

The protesters had won.

But their task was not yet over. They still must confront county officials who were not present and require them to sign the same document.

For the rest of that day, groups tracked down militia leaders, deputy sheriffs, magistrates, and won their agreement. Protesters from more distant Cape towns were dispatched to do the same when they reached home. And Barnstable town replaced its representative to the legislature with a person "more disposed to serve the country than the last one," Daniel Davis (who was also a court official).



Otis stayed overnight at **Davis's nearby home** (now a private home at 3074 Main Street), as the protesters' efforts played out.

They reassembled at 6 the next morning, to the sound of fife and drum. And when they shortly drew up in front of Davis's house to greet Otis, they gave him three cheers, "in token of their esteem and veneration."

And, by the end of that September week, Cape Cod was in every meaningful respect entirely rid of British control.

Without a shot being fired.

Setting the Stage

The Cape was not alone in its desire to retain its long-standing ways.

The same scenario played out in counties across the province the autumn of 1774, from the hills of Berkshire County to the shores of Nantucket Island. By the start of winter, all Massachusetts counties except Suffolk — primarily Boston, where the British troops were headquartered — had won the freedom to maintain their democratic ways.

And that, in turn, set the stage for the next act in the drama of American independence.

Because the British had lost control of the countryside, Gen. Thomas Gage decided that, after the snows had melted the next spring, it was necessary to secure munitions that had been stored nearly 20 miles from Boston, in the town of Concord.

That expedition, on April 19, 1775, turned into the Battle of Lexington and Concord — and loosed the American tide toward independence. The Second Continental Congress, meeting in Philadelphia, responded to news of the battle by creating the Continental Army and naming George Washington its general.

And the united colonies went to war.

A New Calling

Back in Barnstable, that little courthouse continued to play its part.

It was home to a Barnstable County Congress, called to catalog the region's new concerns and coordinate actions with other counties. It served occasionally as the site of Barnstable town meetings — that ultimate expression of direct democracy, where

every freeholder had a voice and a vote.

It also resumed its courthouse duties, after a provincial congress was organized to take over the legislative and executive duties formerly exercised by the royal governor.



But the courthouse eventually outgrew its usefulness. And it became clear, when the nearby court-records building burned down, that a new, larger — and fireproof — courthouse was needed. In 1832 **a fine new building**, about a quarter mile to the east — made of granite — replaced the old wooden courthouse.

Even then, the old courthouse's service to the spirit of democracy was not yet over.

The town turned down a proposal to formally adopt the building as the Town House, where town meetings would be held. The structure was in too great disrepair.

But the Third Barnstable Baptist Church came to its rescue.

A religious fervor, the Second Great Awakening, was energizing Americans across the country, the Baptist church in the forefront.

And the Baptist faith was at that time perhaps the most democratic of Christian denominations. It had no governing body, no ecclesiastical hierarchy to obey; it had no creed and sacraments. All church members were free to reach their own understanding of the Bible, and so to make their own way to God.

The Third Baptist Church bought the old courthouse in 1846 and renovated it. It raised its floor, lifted its ceiling, and installed pews and stained-glass windows. And it replaced the courthouse's single door facing the highway with twin doors on the end of the building, in classical **New England church-house fashion**.



For the next 125 years, the building faithfully served its congregation, until the membership dwindled and, in the early 1970s, the church was disbanded.

It was then that the current owner, Tales of Cape Cod, a volunteer-staffed non-profit, stepped in to rescue it anew. And so the building survives to this day, host to a summer lecture series focusing on the region's history and to interpretative reenactments for school children of that fateful September day in 1774 — still bearing silent witness to the spirit of American democracy.

Sources

The courthouse narrative:

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Illustrations:

- Sketch of Olde Colonial Courthouse: Gustavus A. Hinckley Collection, Wm. Brewster Nickerson Archives, Cape Cod Community College
- Sketch of Col. James Otis house: Gustavus A. Hinckley Collection, Wm. Brewster Nickerson Archives, Cape Cod Community College
- Photo of Crocker Tavern: Crocker Tavern House, Barnstable, MA
- Photo of Daniel Davis house: Tales of Cape Cod, Barnstable, MA
- Photo of Barnstable Superior Court: Postcard, Tales of Cape Cod, Barnstable, MA
- Photo of Third Barnstable Baptist Church: Tales of Cape Cod, Barnstable, MA

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Owen Fletcher

From: Leo Cakounes
Sent: Thursday, August 2, 2018 10:06 AM
To: Owen Fletcher; Jack Yunits Jr
Cc: prfiske@yahoo.com
Subject: Weds 8th agenda

Owen

Please schedule on next weds meeting agenda a “ presentation and discussion on County Declaration of Sept 27 as Cape Cod Independence Day” presentation from Tales of Cape Cod Board.”

Mr. Phineas Fiske is copied here in and may send some information for distribution prior to meeting.

Thank you

Leo

Thanks mr. Fiske, pleasure to speak with you this morning.