

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

**UNAPPROVED Journal of Proceedings - January 16, 2019**

**CALL TO ORDER**

Speaker MCAULIFFE: Good afternoon. This is the Cape Cod Regional Government. This is the Assembly of Delegates. It's **Wednesday, January 16<sup>th</sup> at 4 p.m. We are in the Harborview Conference Center at the Barnstable County Complex.**

We start our meetings with a moment of silence to honor our troops who have died in service to our country and 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: Will the Clerk please call the roll?

**ROLL CALL ATTENDANCE**

**Present (98.73%): Mary Chaffee (4.55% - Brewster), J. Terence Gallagher (2.30% - Eastham), Elizabeth Harder (5.67% - Harwich), Christopher Kanaga (2.73% - Orleans), James Killion (9.58% - Sandwich), E. Suzanne McAuliffe (11.02% - Yarmouth), Deborah McCutcheon (0.93% Truro), Susan Moran (14.61% - Falmouth), Thomas O'Hara (6.49% - Mashpee), John Ohman (6.58% - Dennis), Brian O'Malley (1.36% - Provincetown), Randi Potash (2.84% - Chatham), Patrick Princi (20.92% - Barnstable), Linda Zuern (9.15% - Bourne).**

**Absent (1.27%): Lilli-Ann Green - (1.27% - Wellfleet).**

Clerk O'CONNELL: **Madam Speaker, you have a quorum with 98.73 percent of the Delegates present; 1.27 percent are absent.**

Speaker MCAULIFFE: Thank you.

**APPOINTMENT OF ASSEMBLY CLERK**

Speaker MCAULIFFE: Before we go to our regular business, our last meeting we had a reorganization and election of officers for the Assembly, and Delegate Zuern pointed out that we neglected to officially vote the election of the Assembly Clerk.

So to make it official, I would like to have it on the record. Would someone please --

**Delegate O'MALLEY: So moved.**

**Delegate CHAFFEE: Second.**

Speaker MCAULIFFE: Okay. Any discussion?

**Speaker MCAULIFFE:** All those in favor? Aye.

Any opposed? **It passes unanimously.** So it's official.

No, it's a good point because you never know when someone's going to say she was never really officially voted.

Clerk O'CONNELL: Thank you.

### **APPROVAL OF THE CALENDAR OF BUSINESS**

Speaker MCAULIFFE: Is there a motion to approve the Calendar of Business for today?

**Delegate HARDER: So moved.**

**Delegate GALLAGHER: Second.**

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

### **APPROVAL OF THE JOURNAL OF PROCEEDINGS OF 1/2/19**

Speaker MCAULIFFE: The Journal for January 2<sup>nd</sup>, 2019; is there a motion to approve?

**Delegate O'MALLEY: Madam Speaker, I move acceptance of the Journal of January 2, 2019, as distributed.**

**Delegate HARDER: Second.**

**Speaker MCAULIFFE:** Any discussion? All those in favor? Aye. Opposed? Abstentions? **It passes unanimously.**

### **SUMMARY COMMUNICATIONS WITH BOARD OF REGIONAL COMMISSIONERS**

- **Commissioners issued a proclamation to former commissioner Leo G. Cakounes on 1/9 for all his work as a commissioner and a delegate**
- **Commissioners re-organized and were appointed to various county committees and boards**
- **Commissioners executed a union agreement**
- **Commissioners submitted Proposed Ordinance 19-01: County Farm Lease to the Assembly for public hearing and consideration**
- **Commissioners reviewed FY20 proposed budgets of the County Commissioners, Information Technology, Resource Development, the Assembly of Delegates, and Finance on 1/16**

Speaker MCAULIFFE: Next is our communications from our Board of Regional Commissioners. We have Chairman Ron Bergstrom with us, and I thought I saw our Administrator somewhere out there too. Good afternoon.

Commissioner BERGSTROM: Good afternoon. I'm not going to take too much time. I suspect you're going to have a busy agenda so I will run through.

We've had two meetings since I last talked to you. One was on the 9th, and we had a meeting this afternoon starting at 9 o'clock and pretty much breaking up at noon.

On the meeting of the 9th, the first order of business was a proclamation

recognizing Leo G. Cakounes for his service on behalf of the people of Barnstable County. So we recognized Leo not only for his work as a Commissioner but his previous, I think, six years on the Assembly of Delegates here.

He also received a very nice piece of artwork from John Ohman. John Ohman presented, and he was very happy to get that, and it's all smiles all around so. We then moved on. We had a report on the Coastal Resilience Symposium.

The next order of business, we appointed Commissioners and others to various boards and committees that we have here in Barnstable County, and I'm going to read the list very quickly. There were, I think, 15.

To AmeriCorps, we appointed Commissioner Beaty.

To the Barnstable County Retirement Association, myself.

The Cape Cod Arts Foundation, Commissioner Flynn.

The Cape Cod Commission, myself.

The Economic Development Council, Commissioner Beaty.

Metropolitan Planning Organization, myself.

Cape Cod Municipal Health Group was Justyna.

And the Water Protection Collaborative, Commissioner Beaty.

The Cape and Islands Workforce Investment Board, Commissioner

Beaty.

The Cape and Vineyard Electric Cooperative, myself.

The Cape Light Compact, Commissioner Flynn.

Children's Cove Advisory Board, Commissioner Flynn.

Human Service Advisory Council, Commissioner Flynn,

And National Seashore Advisory Council, myself. I took all the heavy lifting. As the new kid on the block, they gave me everything, all the stuff that was time consuming except for the National Seashore Advisory Council which we don't know if it's going to meet yet. The federal government has to make up for that.

And the only other significant thing that we did about a union agreement was the lease for the farm which I'm about to hand to you, which you're going to have to approve or not approve at your next meeting. So why don't I give you that right now, and then I'll go on to the meeting that we had this morning.

Speaker MCAULIFFE: So the lease will come in in the form of an ordinance because the Assembly is required to approve leases and we operate by ordinance. So it will come in in the form of an ordinance.

We will have a Public Hearing at our next meeting, and we'll probably have it before the full Assembly. Sometimes subcommittees will hold public hearings but because it's a full Assembly issue, it will be a public hearing before the full Assembly and then a vote at the next meeting.

Commissioner BERGSTROM: Okay. And I hope I'm not missing anything. Today we met. We had an earlier starting time, 9 a.m. We were going to review the six sections of the budget, the last being the Capital Improvements Program which wasn't ready for our review yet today. So we went through the County Commissioners' Budget, the Information Technology, Resource Development, the Assembly of Delegates, and Finance. And I'd go into detail but you're going to get exactly the same thing coming up, so it doesn't make any sense for me to go over what

we saw. All I can say is the Commissioners did not make any serious altering or recommend any serious alterations to any of those budgets. They seem in line with what was presented last year with a few shifts of personnel from one department to another but it didn't affect in any way the bottom line. So we should come in, according to Jack, at about -- we went in two and a half percent last year; he said it might be slightly more because of the increase in the overall budget, and we won't know until we get the approval of all of the various departments. That was the first thing we did. And then --

Speaker MCAULIFFE: I have a question.

Commissioner BERGSTROM: Sure.

Speaker MCAULIFFE: Did you say that the increase would be a little bit over two and a half percent?

Commissioner BERGSTROM: I think -- yes.

Speaker MCAULIFFE: That that's the way it looks right now?

Commissioner BERGSTROM: Where's Jack? He's hiding.

Delegate HARDER: He's behind the camera.

Delegate O'HARA: To your right.

Speaker MCAULIFFE: It's okay. I just --

Administrator YUNITS: Good afternoon.

Speaker MCAULIFFE: So the budget came in at two and a half percent increase last year and is going to be --

Administrator YUNITS: No. I think it was less. Last year it was .25 percent.

Commissioner BERGSTROM: .25

Speaker MCAULIFFE: Okay. All right. I'm sorry.

Administrator YUNITS: This year it will be a little bit more than that.

Speaker MCAULIFFE: Okay.

Administrator YUNITS: It certainly won't be two and a half percent.

Speaker MCAULIFFE: Okay. Okay.

Commissioner BERGSTROM: I meant .02-and-a-half percent.

Speaker MCAULIFFE: Okay.

Commissioner BERGSTROM: We had an update from the Groundwater Guardians, and they gave us an update on their initiatives.

We also increased the threshold for the County Administrator to execute agreements from \$35,000 to \$50,000. The state procurement laws allow up to \$50,000 without having to go out. So that brought it into conformity with those laws.

And the other stuff is pretty much just bureaucratic stuff. We're getting some more money from WHOI for some of the initiatives we have, but that's pretty much my report. And if you have any questions, here I am.

Speaker MCAULIFFE: Yes, Delegate O'Malley.

Delegate O'MALLEY: So, Mr. Chairman, can you speak on the Groundwater Protectors and what their initiative is that they're talking about?

Commissioner BERGSTROM: Well, they showed us some material that they had drawn up, posters and so on, and encouraged people to protect the groundwater. It's actually made up of several -- AmeriCorps, the Extension Service; I'm trying to think of the other two. So it's pretty much an aggregate of already existing

initiatives that is now --

Delegate O'MALLEY: In house?

Commissioner BERGSTROM: -- that is now -- yes, in-house initiatives and they have really sort of gone off the radar screen slightly, and now they're trying to reorganize into a cohesive group and do what they can to increase public awareness of the people's responsibility to protect our groundwater. And that's the best I can explain it.

Delegate O'MALLEY: Thank you. It's a County kind of function though.

Commissioner BERGSTROM: Yes, as a County.

Delegate O'MALLEY: I didn't know this group. Okay. Thank you.

Speaker MCAULIFFE: Any other questions? All right. Thank you, very much.

Commissioner BERGSTROM: Thank you. I should say that in discussions I've had about the Regional Policy Plan, that's a decision that my understanding is you make that decision. It will come to us for final approval, but I don't think that we have the authority to change your decision. In other words, this may be something that we sign-off on. So, although I'll check that out. So, good luck with that.

Speaker MCAULIFFE: Great. Thank you. Did Attorney Troy give us a time?

Clerk O'CONNELL: He's supposed to be here right now.

Speaker MCAULIFFE: He may be having trouble parking.

Clerk O'CONNELL: Yes. I have not heard from him.

Speaker MCAULIFFE: I'm going to give Attorney Troy a couple minutes because he's got a -- not only a big presentation but he has to leave at five. So it's --

Clerk O'CONNELL: Just skip this.

Speaker MCAULIFFE: Well, if we skip over it and we go to public comments, public comments I'm going to allot based on how much time we take with Attorney Troy so. Well, what I might do is --

Clerk O'CONNELL: I'll give him a call.

Speaker MCAULIFFE: -- give him a call. I'll start with public comments with the understanding that I will be interrupting them for Attorney Troy because he is the next item on the agenda, and he has a second commitment.

And I'm assuming that we have people here as members who want to make comments as members of the public because we have an unusually packed audience. And I will say several things. We had a public hearing last week, and it's unfortunate that people weren't aware of that or didn't know about that because that is really when we're set up for public comment and when we turn the floor over to the audience.

This, unfortunately, is a regular business meeting of the Assembly with a line item that says "Communication from Members of the Public" which is not really designed for admitting all the conversation from the public.

I don't want to cut people off because I know people have traveled, but I

also think that we have a lot of information that we received in writing, and I think that there's a lot of information that's very similar.

So, we have Attorney Troy here, so hold your thought, and we will go to Attorney Troy. And, by all means, if people do want to have a couple minutes to give a comment, they can -- they will do that under the public comment after Attorney Troy. Welcome. Sorry to rush you right to the microphone.

County Counsel ROBERT TROY: No, that's good. We're being very efficient.

Speaker MCAULIFFE: I know. And you have another commitment, so you'll be even more efficient.

### **SUMMARY AND UPDATE FROM COUNTY COUNSEL ROBERT TROY**

- **Brief update to Delegates on Open Meeting Law, Public Records Law, and Conflict of Interest Law**
- **County Counsel clarified that Barnstable County's operating mechanism which is in the Charter provides a procedure by which almost all controversies can be resolved, and that is the ordinance process**

County Counsel ROBERT TROY: I do. Right. I'm going to be brief. I was asked to address the requirements of the Open Meeting Law, the Public Records Law, and the Conflict of Interest Law.

But it occurred to me that what I should really focus on is kind of get a synopsis just as those laws apply to you as members of the Assembly. And I know some of you have already heard this, so I apologize for any repetition, but there are new members that we believe we should extend the same courtesy that we did to the previous members. So let me start.

I think the main thing that we're going to talk about is how do these laws impact you as members of the Assembly? And so the first distinction that I would make is that the Open Meeting Law talks about deliberations. That's when you're communicating and you're making a decision about public business.

The Public Records Law, however, deals with communications that happen to be records, and the Public Records Law was amended as of January 1<sup>st</sup>, 2017, and that has made a big impact on Public Officials. It's not even clear how much of an impact that law has because it's in its initial stages.

So, what I would like to focus on is how does that -- those two laws impact your day-to-day communications whether they're about public issues, or they are communications that may or may not be about public issues but are still accessible to people under the Public Records Law. And one of the things that we have to keep in mind is that the Public Records Law serves the objectives of the media -- legitimate information that the media needs. It serves the interest of citizens who want certain information, but it can also be used and has been used by companies who want information to leverage. It's been used by political opponents against public officials to get information about communications between people who are either elected or appointed officials, and it's been used in many other instances for purposes which the law was not necessarily designed to achieve.

So let me start with the Open Meeting Law. First of all, there is a certification that you, as members of the Assembly, are required to sign which says that you have received and reviewed certain documents. Now, some of the documents are very difficult to read and you should review them, but the level of review is kind of within your jurisdiction and your own discretion. And I would suggest that the Open Meeting Law Guide of the documents, the four categories that you've been asked is probably the most helpful.

You've also been asked to provide any Open Meeting Law decisions that involve your jurisdiction, which I think the Clerk has in her possession, and she can provide those to you and to the extent whether they're a summary or whether you need the specific documents, that's kind of up to you.

But you are required to sign this certification, and the Clerk is required to keep a record of that. And that is -- so the Open Meeting Law Guide, which I sent in my materials to you, I think that's the easiest thing for you to read, and it's all indexed that that would be helpful. So let me just say that I'm going to limit it each to three or four minutes.

The Open Meeting Law refers to both communications that are deliberations, quote "deliberations" within the "jurisdiction" unquote of the Assembly of Delegates that don't fall within an exception. So we know the Assembly of Delegates is a public body. We know any communications in oral or written through any medium including electronic mail between or among a quorum is subject to the Open Meeting Law. And any matter of public business is part of that communication, and then there's some exceptions which I'm not going to go into because they're not really pertinent, but let's say this. I'm going to give you two examples.

One member of the Assembly of Delegates puts out an email to the other members saying, "I am not in favor of X," and nobody responds. So the first thing we're going to say is, well, that was just one member expressing an opinion and, therefore, there's no violation. The quorum is not impacted but that's wrong because the Attorney General says that that is the specific and unquestionable violation of the Open Meeting Law.

And when I first thought about that a few years back, I said to myself, "Well, this doesn't really make any sense," but actually it does because if one person can do that then each person could do that and you could have all the individuals kind of doing through the medium talking without anybody talking back to each other, without any discussion; you can have a deliberation which should be done in the public forum and that's the problem.

And so the first thing that you want to -- and a lot of people do this inadvertently. They say, "I am not in favor of this," or they write, "Well, this is not discussion, but I think, or this is just my -- me talking." So that's the first thing. You don't want to do that.

The second thing is what they call "Serial Communication." One person -- one member talks to another member, another member talks to another member, the Attorney General calls that serial communication and even though it might not be intended that way when that chain starts, that also can be construed and is construed by the Attorney

General as a potential violation of the Open Meeting Law. They've got to look into it and see, you know, what the circumstances were, but that's also not a good idea.

And, finally, what you need to understand is that you may have a communication between one member and a second member and then somebody forwards it, it's not a new communication but it's moving around through the forward mechanism, but it is an email chain, and that would be a serial communication, so you don't want to do that.

Now one of the interesting things is people somehow, at some point thought that technology was going to -- the information age was going to make communication easier. It actually makes it more difficult and more subject to regulation because, as you can see, if you have a person-to-person conversation or a telephone conversation, you don't have the same record that you have with electronic communications. And what I'm here to say to each of you is it is most prudent of all of us who are public officials to minimize what we communicate electronically and to understand -- this has always been my rule -- anytime I have written any email communications, I always write with the idea that it might be sent to the Cape Cod Times or it might be out in the public forum because it could be that you've got just to be very careful. A lot of people, you know, it's not the time to utilize your sense of humor because what you mean in just may be construed differently, and I think that is the important thing.

So I'm going to segue to Public Records. Conflict of Interest is very short, 30 seconds so we've got a minute. Public Records, this is a very, very big change in the law. And as I said previously when I was here, the city solicitors and town councils throughout the state were opposed to the public records change in the law. The legislature, of course, exempted itself from this law, and they also exempted state administration, and that is now being reviewed because people are questioning why is the legislature -- they've had issues there, as you know and read about, in state administration; why are they exempt from the law that they are imposing on everybody else?

So, let's talk about this. Say you have a communication this time with less than a quorum of the Assembly of Delegates. You have a communication between two or three people, or you just have a communication between two members and maybe it's about an issue but not an issue specifically before the Assembly. And somebody says, "I want to know all of the communications from Delegate X about a certain issue." So, obviously, not a violation of the Open Meeting Law because these are just communications between one or two people, but is it protected and confidential as the people probably thought when they were talking to each other? And the answer is no because the Public Records Law represents a broad regulatory intrusion -- this is my opinion over public officials. This is the definition. All books -- this is what a public record is -- all books, papers, maps, photographs, recorded tapes, that includes phone messages on your telephone; financial statements, statistical tabulations or other documents or material regardless of the physical form of characteristics. And this is the key part, "made or received by any officer or employee of a Massachusetts governmental entity." You are officers. You are officers of Barnstable County and, therefore, anything that you have is presumed to be -- there is a presumption by state law

that that is a public record. And so they're going to ask your Records Access Officer, it's called the RAO; each governmental agency has a Records Access Officer. In this case, I believe it is the Clerk. And they're going to ask the Clerk of the Assembly, "I want all email communications from Delegate X" or maybe they'd say, "I want Delegate X and Delegate Y," or they may say, "I want them from everybody."

So the Clerk -- if you're using a Barnstable County email account as all government agencies do, the governmental agency has your stuff. And so the Clerk can go to the IT person and say, "I want all of the communications, all the emails written on this account. I'm going to look at them and see whether there's any exemption." Or, under the law and under the guidebook that the Secretary of State has produced, it says that the RAO is supposed to make an inquiry to the person, "Let me have all of your emails." Now from there on, the law is not clear what the obligations are to prevent it. But the key point that I'm making is your own phones, every phone in this room and every iPad and every computer you have is considered to be a vehicle for these communications. And they -- even if the government agency doesn't have access to it, if the RAO asks you for those emails, you are supposed to under the intent of the law turn them over. So keep this in mind when you have email communications.

Things have been relatively quiet but, you know, a lot of towns get communications from different public interest groups or even corporate groups and they say we want all of the such and such. And the law is -- imposes a lot of burden on the government agency. There's not a lot of charges, and there's rules that the government agency has up to a certain amount of hours they've got to put in looking for things. It's burdensome but so far it has not been utilized but that doesn't mean that it won't be.

So, finally, let me switch over to Conflict of Interest law. You have a compliance period that ends April 5<sup>th</sup>, 2019. All of us have it. I'm a Special Assistant Attorney General so I have to do it too, and what you have to do is you have to -- every year you have to -- or every reporting period, you have to review the written -- you have to sign a written acknowledgment. This is the second document you have to sign saying that you have reviewed the summary of the Conflict of Interest Law. And then in addition to that, you have to take an online training program which, trust me, the test is not easy. It's a good test that you have to continue to answer until you finally get the right answer, and that's how you learn. And it's actually a good way to learn. But I've been doing this for a while, and I'm going to be very honest with you; it takes me a while because a lot of the choices of -- it's the old thing about the four choices and two are out but two are very close. It takes a while. So you're going to have to do that.

There's a penalty for a violation of the Conflict of Interest Law, which gives you motivation to do it is 10,000 for a civil penalty or if there's any violations that involve what is called a bribery is 25,000, and the state Ethics Commission does enforce it, and I represented towns in dealing with different people. And sometimes, unfortunately, people inadvertently and sometimes not inadvertently but I think most times inadvertently, they cross the line and there's a fine. So you don't want to do that.

My suggestion on this is that you do as I'm going to do and I've got to do it by the same date; if you go online and you look at the summary and you take the training, if after that you have questions about the different things that concern you and that you don't think make any sense, then I'll come back after we do that and we can talk

about it then rather than talk about in the abstract.

That is my report. I hope I kind of covered it. It's a summary but I think it's probably better that way.

Speaker MCAULIFFE: Thank you. I think it's very helpful. I think, also for those of us who have been on the board for a while, it's a good reminder to make sure that we stick by the rules.

So my question would be if I keep my Assembly business on my Assembly email, and I don't have people use my personal email, would they still -- would people still have access to personal email if it were if I weren't using it for Assembly business even though it's on the same, you know, the same phone or --

County Counsel ROBERT TROY: I got it.

Speaker MCAULIFFE: -- a computer or that the Assembly business would be on?

County Counsel ROBERT TROY: Yes. If you did all of your kind of public official -- public business on your public email account, obviously, the County or whatever governmental has a copy of that, in that case if you were asked by the RAO, you know, "Is there anything on your personal computer about public business," you have an easy answer. You say "No, because I do all my public business on the County account, so, therefore, I don't have anything" and you'd be finished. And I think that the chances of anybody going beyond that point in challenging that somebody has requested a record like that is very, very remote, extremely remote. I mean, I think the law is pretty clear.

And the burden then would be on the person who was making the request, somehow they would have -- maybe they'd have access to some email that you sent that would be on your personal -- it could be inconsistent. So I would not worry about that. And the law has not been tested. I can just say this is that the law is one that is on the governmental entity.

One of the interesting things -- I read you the definition under the law under the statute that the legislature passed; if you look at the regulation which the Attorney General has issued, actually the Secretary of State in this instance; if you look at the definition that they're using is more restrictive. They just talk about the governmental entity.

So there has been no case in which, to my knowledge, in which an individual person has been told that they have to comply with the Records Access Officer's request. I mean, that's really kind of moving into your own area of personal privacy.

Speaker MCAULIFFE: Okay. Delegate O'Malley.

Delegate O'MALLEY: Thank you, Mr. Troy, for a good outline. With respect to Open Meeting Law, does the definition of a quorum as it applies to this body reflect a numerical quorum of the numbers or the weighted averages? I mean, we have 15 so a quorum would be eight. But fewer of us can form a quorum if the votes are weighted; how is that counted?

County Counsel ROBERT TROY: That's a very good question, and I thought of that. There's no clear answer, but I think that the best answer is that you should take the most expansive interpretation of it and apply the rules of the Assembly

so that the -- it would either -- in other words, if you had a communication between the three or four people who make up more than 50 percent of the Assembly, I would use that as the standard because that could be argued. It's an ambiguous legal point, and so you didn't get into any problem. I would apply that test.

Speaker MCAULIFFE: Delegate Ohman.

Delegate OHMAN: Thank you, Counselor Troy. Great thing to get these kinds of reminders. I want to know who can initiate a public records request? Can anybody do it? If I run over somebody's cat, can they say, "I'm so mad at him, I'm going to do that" right? I don't know what the limits are.

County Counsel ROBERT TROY: Any person can initiate a request, and they can do it -- it's actually, in my view, it should be more formalized so there is a paper trail. It's not even required that it be done. It used to be required that it be done by paper. They can do it by telephone. They can do it in any fashion. They have to identify themselves as to who it is, so you know who it is, but the burden is on the Records Access Officer to cooperate.

The law was intended to make it very easy for people to have access to public information. Some people have said there's been a lot of controversy about it that the legislation may pull back on it, that it may be a little too expansive and that it needs to be kind of trim down, trim back a little bit but we'll see. It's just -- I will tell you this that in the operation of the law since January 2017, the Secretary of State's office has been overwhelmed with the public records process. There's just so many disputes between the governmental entities and the individual requesting it that they have a huge backlog in it. They've had to hire a lot of people, and they're finding it hard keeping up with it.

Speaker MCAULIFFE: Delegate Moran.

Deputy Speaker MORAN: Thank you. Attorney Troy, thank you. A related question on public comment, I just wonder if you have any tips with respect to the fairly recent school committee case that kind of widened the parameters of public comment?

County Counsel ROBERT TROY: Well, yes, as far as public comment is concerned, I think that the problem with public comment -- there, incidentally, is no requirement that there be public comment. And as you know, the Open Meeting Law very specifically says, and this is surprising because many people think in Massachusetts one of the centers of principles of liberty that anyone can talk. A lot of members of the public feel they can come to any meeting and they can say and talk and do whatever they want. But the Open Meeting Law, surprisingly, has a very, very difficult process for somebody who believes that. You can only speak if the Chair of the meeting recognizes you, and you don't have the right to speak. You can watch but you don't have the right to speak. So as a result, if you do speak and the Chair hasn't recognized you, you are authorized that the government agency and the Chair is authorized to call the police and the person is locked up until the meeting is over, which is very, very surprising, but maybe very appropriate because the whole process could be derailed if you lose control of the meeting.

So my own thought about the public comment, I think the public comment has to be watched very carefully. Some communities and bodies allow people

to come in and they can talk about whatever they want. There're two disadvantages of that. Number one, the people who were listening, which is the governmental body, can't respond. They can't say anything. They're not allowed to.

So people can say, and the second thing is issues can be raised that have no basis in fact, and there is no response by the governmental body. So my thought is that there are some, and I know the County has done this in the past that they want to know ahead of time what you're going to talk about because they want to just be -- have the terrain so that they're not surprised.

And on proceedings like this that are televised or recorded somehow, you know, it is a process that has to be carefully followed. Now most public bodies don't want to preclude public comment for obvious reasons because they don't want to be seen to not want to, you know, have the input of the people who want to appear. But I think it is a very difficult balancing test.

Speaker MCAULIFFE: Yes, Delegate Harder.

Delegate HARDER: Hi. Regarding what you just said about public comment and not being able to respond, does that include asking them a question?

County Counsel ROBERT TROY: That's very close. I would -- I advise agencies that I represent not to make any public comment because I think what the problem is as soon as you engage in any dialogue, you're speaking about an issue that is not on the agenda and other people have the right to be part of that conversation and you're going to get an Open Meeting Law complaint. And there are a lot of Open Meeting Law complaints on that exact issue. So I think that a lot of communities and different governmental bodies have a practice that if you want to make a public comment that you notify them ahead of time. Just say, you know, you're going -- and there's actually a limit in the amount of time that you're allowed to give a public comment because, obviously, if everybody did that at an unlimited time, the governmental body wouldn't be able to do any work or wouldn't be able to get to its agenda, put it that way.

I just have one final thing I want to say. Janice O'Connell and I last year -- I know the other members, we worked and put this together, this index of ordinances and Janice has just updated it. And so the new numbers -- I know all the previous members had copies of it. I hope that the new members -- and I'm sure that they will receive --

Clerk O'CONNELL: Done.

County Counsel ROBERT TROY: Oh, it's done. Okay. She's always ahead of me so I should've checked first. But I do want to say one thing that I think is the most overriding thought I have about Barnstable County and that's this. Unlike the federal government that can actually be shut down, Barnstable County's operating mechanism which is in the Charter provides a procedure by which almost all controversies can be resolved, and that is the ordinance process. That's why we indexed these.

So if there's issues before the County that need to be addressed, the Charter provides an answer. It's not that there's going to be an impasse because the Charter provides the tools by which that controversy can be resolved. And as you know what that is you pass an ordinance; it goes to the Commissioners, and then if the

Commissioners do not approve the ordinance and send it back, the Assembly has the last word and can override that ordinance. And that is a final act by Barnstable County as to the resolution of any issues.

The second is if there is a controversy about something that can't be resolved in the ordinance process, the Charter also has a mechanism for resolution of that issue, and that is the Charter change/modification, the Charter Review process, and that way -- and there's a number of mechanisms under that. It is a very, very comprehensive, a very -- it's a brilliant document, and it's one which, you know, reflects -- and I didn't have anything to do with it. So, but it's one that reflects a lot of experience, whoever put this thing together.

So just to keep in mind that if there are issues that come up that you feel need to be resolved, those two methods are the methods to resolve them. And if you undertake them, then they're going to get resolved.

Speaker MCAULIFFE: I have a question related to the Charter review. Does it specify exactly what the Charter review is supposed to look like? Is it supposed to be composed of certain members of the Assembly? Can it be done by the Assembly? Does it need to include outside people? Is there a specific Charter review process/committee designation set up in the Charter itself?

County Counsel ROBERT TROY: There is a process but it's relatively flexible in terms of the ability --

Speaker MCAULIFFE: Make up?

County Counsel ROBERT TROY: Exactly.

Speaker MCAULIFFE: Okay. Because the last two Charter Reviews have included one or two representatives from the Assembly but a lot of outside people. And, unfortunately, a lot of the great ideas that came out of those reviews didn't really go anywhere.

And so, you know, one of the things we're going to talk about today is how can we do a Charter Review that might actually make some changes.

So, okay. Thank you. Anyone else? Yes, Delegate O'Hara.

Delegate O'HARA: Did we -- were we going to go further into Conflict of Interest? I don't think you had touched on that.

County Counsel ROBERT TROY: What I said was that we all have to take this test and this training, and so that I thought that if we all, including me, if we all review the summary and then did the training and then we had questions and wanted to talk about different things that we do that after -- then we could identify what we needed, what our issues were as opposed to just trying to do the whole thing because it's a broad subject.

So what I propose, and I mentioned this to the Clerk earlier today, was that after the members of the Assembly undertake that process then I would come back and you would, you know, we would talk about what your questions were and issues that you have.

Delegate O'HARA: And I'm fine with that, and I do understand that being in government as many of us have been, we do it frequently, the conflict -- but even still, I think we all need refreshers and clarification on some issues.

County Counsel ROBERT TROY: Sure.

Delegate O'HARA: And it keeps raising its head, Conflict of Interest becomes an issue time and time again.

County Counsel ROBERT TROY: I agree, and I would like to come back because I think it is a very important issue, and it's one that we could probably just -- after everybody identified what their concern -- it is a complicated area, and the test kind of, you know, makes that point to you as you continue to have to go back to pick the right one.

Speaker MCAULIFFE: To get the right one. Yes, I've been there. Is everyone all set? Great.

County Counsel ROBERT TROY: Thank you.

Speaker MCAULIFFE: Thank you.

**Speaker MCAULIFFE:** So we are at the point now for communications from public officials and communications from members of the public in that order.

We approved that calendar. We have two options. If we have comments that come in from the public and you've heard that we really can't dialog or debate really on those, we could change the order of the of the Journal and have the public officials after the members of the public and perhaps the public officials from the Cape Cod Commission could address some of the things that come up in public comment.

Option 2 is we suspend the rules when we are in discussion for the ordinance and ask questions specifically of the Cape Cod Commission at that point for their Regional Policy Plan ordinance. And we could do both, actually, if we wanted to.

**But I guess I'd take a motion to put the members of the public, communications, as the next agenda item.**

**Delegate O'MALLEY: So moved.**

**Delegate POTASH: Second.**

**Speaker MCAULIFFE:** Any discussion on that? All those in favor? Aye. Any opposed? Abstentions? **It passes unanimously.**

#### **SUMMARY COMMUNICATIONS FROM MEMBERS OF THE PUBLIC**

- **Audience comments from Lisa Coedy, David Mead-Fox, and Richard Delaney on climate change, Rosemary Dreger Carey on fossil fuels, and Liz Argo on renewable energy**

Speaker MCAULIFFE: So what we'll do is we'll take comments from the members of the public. And as I said, we have received -- we have at least 17 written communications from members of the public that all of us have received and reviewed.

So I would ask that -- or, I guess, a show of hands of people who wish to address the Assembly so I can kind of gauge the time if there are people here who have comments and want to make one?

Speaker MCAULIFFE: Okay. I see four hands up.

Deputy Speaker MORAN: Five.

Speaker MCAULIFFE: Five, okay. So why don't we have a three-minute comment period. Try and limit your comments to three minutes and try and address different areas so that people aren't necessarily saying the same things. And

also be reminded that we have before us everything in writing. So this is, you know, a chance for people to have their say but, also, perhaps, emphasize something in their communication that wasn't as clear.

So we'll start perhaps in the front row. Did someone have a hand up? Yes. If you would just state your name?

Ms. LISA COEDY: Sure. Yes, my name is Lisa Coedy, and I am a resident of Yarmouth, and I'm a representative for 350 Cape Cod and also a number of the folks that are sitting back here in the audience today.

So, I'm here because for the past two years myself and fellow 350 Cape Cod members have been attending meetings asking the Cape Cod Commission to provide the vision and leadership that we need in a Regional Policy Plan that builds a sustainable future and addresses the climate crisis.

We requested that the updated plan to, at minimum, comply with the Massachusetts 2008 Global Warming Solutions Act, which sets greenhouse gas emission reduction goals at 25 percent by 2020 and 80 percent by 2050 relative to 1990 levels.

The reality is that in order to avoid the worst impacts of climate change, we need to act a lot more aggressively than that. But this represents a starting point for the County to promote energy efficiency, electric transportation, renewable energy, zero-waste practices and more.

In the two years that we've been having these discussions, our window to act in this climate crisis has continued to narrow. I imagine you saw the headlines last fall where the world's leading climate scientists released their latest report stating we have 12 years to drastically reduce our greenhouse gas emissions or we face climate catastrophe.

Climate change isn't just about sea level rise and severe storms. It will touch nearly every aspect of our lives from our health to our hobbies to our wallets. We are one of the most vulnerable areas in the U.S. We have a responsibility to act, if nothing else, in a manner of consideration for future generations.

Addressing the changes in our climate isn't going to be easy, but it is very much possible. It requires leadership from all levels of government; town, regional, state, and federal. We appreciate that the Commission took the time to listen to our comments and did revise the RPP in response to concerns expressed in the public comment period.

But the changes fall short of the vision and leadership that we need. So I'm here today to ask you to please reject this draft of the RPP, send it back to the Commission staff so that it can be updated to comply with the Massachusetts law and provide the leadership we need for our future.

I really appreciate your time and consideration. Thank you.

Speaker MCAULIFFE: Thank you. Next.

Mr. DAVID MEAD-FOX: Good afternoon. I'm David Mead-Fox; I'm a resident of Wellfleet. I am here on my own behalf, but my affiliations include the Wellfleet Energy Committee, the Wellfleet Planning Board, the Cape Light Compact Board, the Cape Cod Climate Change Collaborative Board, and Outer-Cape Energize.

And I appreciate, for starters, the hard work and professionalism that

went into the work of the Commission, and I understand the broad scope of the Commission's mandate and the need to balance many issues affecting the Cape.

However, I believe that much more aggressive actions are required concerning impact of climate change. Certainly, the plan addresses climate change to some extent; however, it's really, to put it simply, the most grave threat our species has ever faced. That is not a subject to debate at this point in time. We have very little time to make massive and unprecedented changes and investments in response to this threat.

The plan accurately identifies a number of key challenges facing the Cape. I believe that rather than list climate change as one of eight key challenges, which the plan does now, it should be the single overarching challenge. If climate change on the Cape is addressed with courage and strength, these other challenges will be addressed as well.

And I strongly recommend the focus on four action categories: local renewable energy production, energy efficiency and energy conservation measures, natural resources protection, and mitigation and resiliency programs. I believe that careful analysis of these four categories reveals that they can support and guide attention to the challenges outlined in the plan. Development, water quality, excess nitrogen, sea level rise, historic resources, affordable housing infrastructure, and long-term economic stability.

The Assembly of Delegates and the Cape Cod Commission have an opportunity to lead and, frankly, in my view, the obligation to do so. These times require bold action of all of us, all of you, the Commission, everyone sitting here, all of us.

But I ask you to not approve the plan as written for all these reasons. Return it to the Commission for significant revision and strengthening.

And in closing, clearly the problems are weighted or complex and the cost will be immense in addressing climate change, but we don't have any choice anymore. Business as usual will no longer suffice. Planning and study will no longer suffice. We must act. It is time to act.

And I will quote the key mission -- phrase from the Cape Cod Commission's mission "To keep a special place special." If we don't act dramatically and strongly and starting now, all the other -- we'll be gone. We will not keep a special place special anymore.

And, finally, we simply can no longer look away. Thank you.

Speaker MCAULIFFE: Thank you. Next comment. Okay. Thank you.

Ms. LIZ ARGO: Hello, everybody, Liz Argo, Manager of the Cape and Vineyard Electric Cooperative, and I'm a resident of Yarmouth, born in Orleans, raised on Cape Cod, so I'm born and raised.

I am not here today to speak on behalf of the Cape and Vineyard Electric Cooperative. I would have to get board permission, but I do want to speak as somebody who worked with the Cape Cod Commission as a CVEC manager to make changes to the RPP, and I also want to join in everybody in saying it's a yeoman's task; they've done a fantastic job.

But working with them, we recognized places where the plan was clearly not up-to-date, and they are not energy experts. The Cape and Vineyard Electric

Cooperative, as most of you know, has brought forward 32 megawatts of photovoltaics. We're now doing storage at D-Y to give that regional emergency shelter some resiliency in the face of the storms which are here, not coming.

So I would urge this group to vote against the ordinance not because the plan is in any way shabby or unprofessional or needs huge rehaults, but it does need to be -- it needs to readdress a lot of the aspects that are new to this Commission. They're new to the state. The state itself is struggling with a Clean Energy Plan that they're in the process right now of producing. We have beyond renewables. It's very clear that this RPP doesn't recognize that there is a new game in town, and it's called storage. And it's absent all the way through the document. That's not a huge change, but it really does need to be addressed before this document goes forward to guide us in the next four years/five years. The utilities -- classically, we relied on a public utility to provide our electricity. That's no longer the case, and we need to be able to see in this document how the Cape Cod Commission will help the towns plan for renewable energy with storage and microgrids in the towns. There's also a state effort called community -- "Green Communities," that is not being addressed by the RPP. So we have the towns being told by the state to do something but it's not -- they're not helping from the Cape Cod Commission in making -- in bringing that forward.

And the worst section in my mind is transportation. There's never a reference to electrical vehicle infrastructure or reducing fossil fuel consumption. And, again, I don't mean to trash it; they've done a great job, but these are specific elements that need to go in. So I disagree that there's a huge failing of the document in addressing climate change. I think they have, but I don't think they had the expertise to recognizing action plans and the specifics that need to be a part of this in order for it to really help us in the future years.

So I would agree with -- I'm pretty sure everyone you're going to hear from -- that it needs to go back, but it doesn't need to go back for long. It doesn't need to go back for a lot, but it's not quite there. Thank you.

Speaker MCAULIFFE: Thank you.

Ms. ROSEMARY DREGER CAREY: Good evening. My name is Rosemary Dreger Carey; I am from Falmouth. I'm a member of 350 Cape Cod and also a member of the Falmouth Energy Committee. My comments are my own.

I'd like to read the letter that I submitted to Sue Moran last night, and she was gracious enough to acknowledge right away, and I'll try not to repeat what's been said already, which I heartily agree with.

I would add in addition to sending the RPP back to -- oh, first of all, I do agree and want to commend the Cape Cod Commission for their plan so far, and we do feel that we have been listened to over the past several years but still think the plan does not go far enough.

I would add that it should state that no new fossil fuel infrastructure be allowed on Cape Cod. Admittedly, the RPP draft does reflect the Commission's desire to reduce our dependence on fossil fuels, and we agree with all of those measures building to lead standards, Energy Star on-site power generation, but without requiring adherence to the Global Warming Solutions Act any green and sustainability measures can and no doubt will be ignored.

Moreover, the RPP needs to be more specific in its energy measures. For example, the Energy Technical Bulletin states preference for on-site power generation, this should be a requirement that every new residential and commercial building be outfitted with a solar roof or something to that effect. There's also a recommendation on our transportation sector be electrified. This should be a specific requirement like there be charging stations every quarter of a mile; you get my drift.

In Falmouth, we're already seeing the effects of the Cape Cod Commission's lack of specificity when it comes to renewable energy future. Our own Planning Board has recently set out to regulate the ground-mounted solar canopies in our town with the intention to prevent them from being built within view of our roadways basically for aesthetic reasons is justification for this. The Planning Board points to the Cape Cod Commission's Davis Straits Development Plan as the model to follow. When applied to lots around -- along Route 28 -- when proposed regulations are applied to lots around -- along Route 28, opportunities for these solar arrays are severely limited. This is not the time to be restricting solar energy or any renewable energy for that matter. We have to do everything we can as fast as we can.

So, I thank you for considering this request to vote to send the RPP back for revision so that it presents a full vision of climate mitigation on Cape Cod. Thank you, very much.

Speaker MCAULIFFE: Thank you.

Mr. RICHARD DELANEY: Good afternoon, Madam Chair, and members of the Delegates. My name is Richard Delaney. I'm here today as the Chairman of the Board of Directors of the Cape Cod Climate Change Collaborative, and you'll hear a similar message from the previous speakers from us that the Collaborative is a volunteer organization, a network of groups, businesses, individuals who are concerned about this same issue.

You just heard about climate change, and we, first of all, want to also commend the Cape Cod Commission staff for a comprehensive and well-done document. I've been in their shoes; I've worked in their positions before. I know how much work has gone into it.

But it does miss an opportunity to really focus on the climate change and the impact it's having on the Cape. The Climate Change Collaborative Board of Directors believes, and I hope you agree that climate change is now and will continue to be the overarching and crosscutting issue impacting virtually every aspect of our lives.

Warming oceans are driving many of those impacts such as shifting fishing grounds, coastal erosion, and sea level rise, and the ocean waters adjacent to Cape Cod are the fastest warming waters in the world. So we have a front-row seat for climate change impacts.

Our only concern -- our major concern about the draft Regional Policy Plan is that it misses the opportunity to be really forceful with climate change. And rather than dealing with or treating climate change as one section, kind of standalone, we, too, would like to see the Commission go back and revisit every sector and every set of policy goals and see if they can integrate into that specific actions to both mitigate our amount of carbon dioxide produced here and begin to adapt to the changes that are already happening to Cape Cod because of climate change.

If we take these kinds of decisive actions in all of our governmental business, education, civic, and individual decisions, we can really make a difference. The Commission's RPP can provide the needed leadership in doing just this.

And just as Mayor Marty Walsh in yesterday's State of the City announcement set the target for Boston to be net zero carbon producer by the year 2050, our regional plan could at minimum embrace the same topic. So we have a terrific chance here, a terrific opportunity, and I would encourage the Delegates to instruct the Commission to go back and take one more look at all the documents and integrate climate change actions simply.

I do have a statement if I can submit it or share it? Would that be helpful?

Speaker MCAULIFFE: You have a written copy?

Mr. RICHARD DELANEY: A written statement.

Speaker MCAULIFFE: Sure. You can submit that. Thanks.

Mr. RICHARD DELANEY: Okay.

Speaker MCAULIFFE: Thank you.

Mr. RICHARD DELANEY: That's it.

Speaker MCAULIFFE: And has anyone -- has everyone who wanted to make a public comment --

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

- **Cape Cod Commission Executive Director Kristy Senatori explained that The Regional Policy Plan is a separate and distinct mandate of the Cape Cod Commission Act which has its own obligations to coordinate a balanced relationship between environmental protection and economic progress, and the Commission fulfilled its mandate in the Regional Policy Plan and is in full compliance with state law**
- **Executive Director Kristy Senatori suggested creating a Regional Working Group for Climate Action Plan that could include performance measures, would provide a focused opportunity for significant progress on this issue**

Speaker MCAULIFFE: Our next item because we switched the agenda will be communications from Public Officials. And I would like to recognize Kristy Senatori, Executive Director for the Cape Cod Commission and any one on your staff who chooses to accompany you. Welcome.

Exec. Dir. KRISTY SENATORI: Thank you and thank you for the opportunity to address some of the comments and questions that you've heard. As you know a tremendous amount of time and effort has been dedicated by Commission staff, Commission members, stakeholders, and the general public really across the region to develop this update to the Regional Policy Plan.

I first wanted to clarify for the record the information that's been presented to you in writing and during your public comment about the Regional Policy Plan's compliance with state law is inaccurate. The Regional Policy Plan is not in violation of the Global Warming Solutions Act. It's not required to directly comply with the Global Warming Solutions Act because this Act is directed specifically to state

agencies to set greenhouse gas emission limits and reduction targets.

The Regional Policy Plan is a separate and distinct mandate of the Cape Cod Commission Act which has its own obligations to coordinate a balanced relationship between environmental protection and economic progress, and the Commission fulfilled its mandate in the Regional Policy Plan that's before you today which is in full compliance with state law.

So the Cape Cod Commission supports the Commonwealth and its agencies in the fulfillment of the Global Warming Solutions Act specifically in a number of sections including Section 10, which is requiring preparedness and addressing the impacts of climate change and extreme weather events. Section 11, which is engaging in municipal vulnerability preparedness planning as well as nature-based solutions we've been implementing as part of the Regional Policy Plan, our Section 208 Area-Wide Water Quality Management Plan and other plans so we've been a substantial contributor.

According to the requirements of the Global Warming Solutions Act and the Cape Cod Commission Act is coordination between local, state, and federal agencies. And within the last several years, the Commission has worked with ten communities across the region on hazard mitigation plans. We were the recipients -- one of five recipients of an extremely competitive nationwide NOAA Coastal -- Regional Coastal Resiliency Grant Program to address climate change impacts. This has been a region-wide program where we've engaged with a significant number of stakeholders across the region, our Resilient Cape Cod Program.

And, in addition, we're working currently with five communities to implement the state's Municipal Vulnerability Preparedness Program through the Global Warming Solutions Act.

So, as you know, we had responded specifically to public comments, and those are incorporated in the draft Regional Policy Plan that is before you today. Many of the comments that you've received and heard were submitted and commented on during the draft comment period during the Cape Cod Commission's comment period.

During the 60-day public comment period, we met with more than 20 local elected and appointed boards. We held three sub-regional public hearings, and we received about 30 comment letters, and nearly half of the comments that we did receive were related to climate change. So we heard the call for greater emphasis on climate change mitigation, and many of the comment letters echo the very goals and objectives that are included in the Regional Policy Plan and the accompanying guidance, that including those that are relative to energy efficiency, renewable energy, zero-waste practices, forest conservation, and agriculture, and open space.

The most significant changes that have already been made to the Regional Policy Plan were in response to the feedback on climate change. The plan before you incorporate findings that were issued during the comment period by the 2018 Intergovernmental Panel on Climate Change, and it recognizes climate change as one of the greatest challenges that we face as a region as Cape Cod.

The plan that's before you recommend specific actions to better position the Commission to consider a broader Climate Action Plan including the development of greenhouse gas emissions inventory and the screening analysis for electric vehicle

charging locations, industrial skills, solar installations, as well as energy storage facilities.

In addition to these somewhat major changes, we've also made modifications throughout the entire document to incorporate and address coastal climate change concerns that we had heard.

So, we've heard from one of the leaders of the 350 Cape Cod Organization specifically state that they want to get the County working on a plan to address climate change and greenhouse gas emissions. The issue of climate change probably deserves its own dedicated effort. We have experience facilitating regional efforts of great significance to the region. We've got our 208 Regional Water Quality Management Plan, our Economic Development Strategy, our Regional Transportation Plan and others and these are major regional initiatives that sit outside of the Regional Policy Plan. They're independent from the Regional Policy Plan.

So I'd suggest that creating a Regional Working Group for Climate Action Plan that could include performance measures, would provide a focused opportunity for significant progress on this issue.

So, I appreciate your time. I appreciate the ability to respond today, and we ask for your support of the Regional Policy Plan as has been presented to you, and respectfully request that you vote to adopt it today.

Speaker MCAULIFFE: This is a question of a public official, okay.

Exec. Dir. KRISTY SENATORI: And I do have a number of staff here with me if you have any questions.

Speaker MCAULIFFE: This is not for debate. This is a specific question? Yes, do you have a question?

Delegate PRINCI: Yes.

Speaker MCAULIFFE: All right. Delegate Princi. Can someone hand him a microphone, please?

Delegate PRINCI: Thanks for being here and thanks, also, for your staff fielding many of my calls that I've made over about the past year as this issue came up prior with other plans that the Commission was going to present.

My question is I heard that there needs to be more aggressive actions that the plan falls short. However, I didn't hear many specifics as to, you know, obviously, you listened to what members had said or feedback from the comments that were brought forward, and you had made some changes and revisions.

Why with those changes and revisions, in your perception, what isn't in the current plan that many of these folks specifically want into that plan, and why isn't it in there? Because I didn't hear any specifics as to what the more aggressive action should be and/or how it's falling short. So I'd like to know why it's falling short and what aggressive actions these folks here want, if you know, or if I could maybe hear from someone from that other group. I didn't get a chance to --

Speaker MCAULIFFE: No, we're not --

Delegate PRINCI: It's just it was a little vague to me. You know, from a policy standpoint as you mentioned and my thought process was a bit of the same, you know, we do have other plans besides the Regional Policy Plans that guide towns in their decisions making.

I know that the state Clean Energy Plan is pending and that will certainly give us some guidelines statewide that we can enhance here in our region.

But with the state's action, it would also give us a little bit more enforcement mechanisms too for developers and municipalities and even residents to comply.

So what do you see going forward with a specific plan relative to these issues, and how long, if you do start to put that plan together, how long do you think it would take?

Exec. Dir. KRISTY SENATORI: Well, that's a great question, and I just wanted to go back first to your question about comments and just reiterate that we did hear a lot of comment related to climate change, and we were very responsive to those comments as we also see that as an issue that needs to be addressed. And so we've incorporated those throughout the plan.

If the County is interested in working and moving forward in establishing a working group, we have some action items in the Regional Policy Plan as they relate to greenhouse gas emissions and establishing an inventory, a working group around some of those action items that could lead to a larger Climate Action Plan would probably be an initial first step that we'd be happy to take the lead on. Of course we have a lot of partners in that and would be happy to take some guidance and direction on that.

Speaker MCAULIFFE: Heather McElroy.

Ms. HEATHER MCELROY: Yes, I'll just chime in also falling on Kristy's comment, I think that the opportunity here is to work with all of our communities to improve energy conservation, which our energy committees are already working on but encourage all of our communities to become Green Communities under the Global Warming Solutions Act and the Green Communities Act.

Becoming a Green Community is something that would put in place stricter building codes that require better conservation measures, reduce emissions at a variety of levels that way.

So, I just wanted to add that I think that's an important action that's included in the Regional Policy Plan that filters down to the communities. And really through this working group, I think we could find ways to help advance those efforts Cape-wide.

Speaker MCAULIFFE: Okay. We will have an opportunity for the Assembly to discuss this. This is really just for questions specific to what the Cape Cod Commission can address. Okay. Delegate Harder.

Delegate HARDER: Regarding that, what you just said, Heather?

Ms. HEATHER MCELROY: Yes.

Delegate HARDER: Sorry I'm just learning names. Harwich, my town, has done the Green Communities. Would anything that the County would do counteract that? I mean, Harwich is very proud of having done this, so my worry would be if the County did -- enacted something, would it affect Harwich's ability to be a Green Community?

Ms. HEATHER MCELROY: Well, I guess it depends what you might enact. But I guess in this context, I can't -- I don't anticipate that, and I think the idea

here is to move us all forward collectively in reducing our emissions. You know, I think to get back to that, Mr. Princi's question, that's the main thing I'm hearing from these folks.

What more can we do as a County to reduce our emissions because we're doing a lot on the adaptation side. I think encouraging our communities to become Green Communities, there are a few like Harwich that have taken that on. Provincetown, I believe, is another one. Everyone should do that to the extent they can, and we can work through that process to do more to make our buildings tighter, address better public transportation, get more cars off the road, address electric vehicle charging stations; these are things that the Regional Policy Plan has a limited ability to address in the way that I think some of these folks imagine.

Speaker MCAULIFFE: Delegate Zuern.

Delegate ZUERN: Okay. I'm not quite sure where to start. I'm assuming that you were for shutting down the power plant, the towers in Somerset and Fall River. They were brand-new; they cost about a billion dollars and --

Speaker MCAULIFFE: Delegate Zuern, we need to keep this specific to the ordinance.

Delegate ZUERN: I am.

Speaker MCAULIFFE: That's a bit off-topic. Let's keep specific --

Delegate ZUERN: Okay. Reducing fossil fuels.

Speaker MCAULIFFE: -- to the RPP.

Delegate ZUERN: Well, it goes along with reducing fossil fuels, and I read that fossil fuel energy is very, very clean now. Some of the electric cars have batteries that have toxic, you know, that are toxic and people don't know what to do with those batteries. And also CO2 is a natural gas in our environment, and we have had times in history when the level has been much, much higher to 5 to 6,000 BPMs. The temperature of our Earth has been higher by 5 degrees.

Speaker MCAULIFFE: Okay. This is --

Delegate ZUERN: And everything survives.

Speaker MCAULIFFE: I'm going to -- I'm sorry to cut you off. This is really more of a debate or a discussion. If you're going to --

Delegate ZUERN: It's a question.

Speaker MCAULIFFE: Well, you're presenting a position rather than asking a question. If you have a specific question, please ask a question because we have time for debate set aside. I don't want to allow one person to have a debate and no one else gets to do that.

Delegate ZUERN: Okay. So I guess I'm just asking why we would even consider lowering the emissions when it hasn't been a problem in the past?

Ms. HEATHER MCELROY: I guess my response to that would be that I think that the concept here is you have before you the Regional Policy Plan, which the Cape Cod Commission and the Commission staff believes is a great document to carry us forward for the next five years, and we're respectfully asking for your support in approving that plan.

As a corollary to that, we're suggesting that the County put together a

working group to address how we can collectively work to address climate change. And that working group, you know, who knows what the results of that may be, but that would be a public process with a variety of people represented and would engage the Cape community in a dialogue which I think is very needed.

Exec. Dir. KRISTY SENATORI: I do too.

Speaker MCAULIFFE: Delegate McCutcheon.

Delegate MCCUTCHEON: I just have a couple of questions here.

I want to thank you both for coming here today. You took a nice softball coming across the plate there when you stepped up, Ms. McElroy, and it's always good to see you.

Can I -- I think we've seen that there's an educational issue here that I thought the Commission was supposed to address in your Regional Policy Plans and your work with the public that what you have done over the years that the Commission has existed has been to offer, in the first instance, education to the public to understand what the planning that you do is for, and then to bring the public forward in a unified kind of way.

And I guess what I'm concerned about here is that you're talking about a working group that is going to be outside of the Regional Policy Plan. And what my experience with your regulations and your Regional Policy Plans has been is that they push people forward into dealing with issues that they may not want to deal with.

And you don't have sanctions. You don't get to -- I mean, it would be nice if you could punish people whenever somebody throws away a light bulb that they shouldn't or a battery or something, but you don't get to do that. You've got to teach and in order to teach, you have to involve people. And it is my opinion that the basic way you involve them is when they want to develop something, they've got to look at your Regional Policy Plan and talk about how they comply with it. And, therefore, harsher standards, more doing is better for the people that you're trying to move along.

Now why don't we want to do that in the policy plan as strongly as you possibly can because everybody's going to lag behind you anyway?

Exec. Dir. KRISTY SENATORI: I'll start. I first just want to remind the Assembly that the Commission reviews projects that trigger our mandatory or discretionary review thresholds. So that's only a percentage of the development that actually happens across the Cape.

So a different initiative that could incorporate more local planning goals and more regional action may have more of an impact so that energy and the standards that we put forward, the goals and objectives and certainly the regulatory components, are strong in those areas that they would impact just those projects that we would be regulating.

Delegate MCCUTCHEON: All right.

Ms. HEATHER MCELROY: I wouldn't add anything to that specific comment, but just maybe to get a little bit more specific with regard to energy, I think, and maybe to address some of the concerns raised here, I think the Regional Policy Plan lays out some broad goals and objectives that will force not only projects that we regulate but communities as they consider adopting their own Local Comprehensive Plans that are -- they seek to be consistent with the Regional Policy Plan to think about

those and not just think about -- to address those renewable energy issues.

So the goals and then as we get into the details and the technical bulletins which are not before you today but where there are many more details do require the incorporation of renewable energy. In one form or another, we provided a number of options to do that. So, I feel that we are without doubt moving the ball forward here. And I just echo Kristy's comment that we don't regulate a lot of projects; however, I think our power through the Regional Policy Plan is to work with our communities to do better planning and to help them at the community level incorporate policies that move more of these efforts forward on the local level.

Speaker MCAULIFFE: Thank you. I think what we'll do now is, if you don't mind staying, if it turns out that there's a specific question when we are in discussion or debate we just have to suspend the rules to allow participation if that's okay with you.

### Assembly Convenes

#### Assembly Vote Proposed Ordinance 18-13: Amendment of the Regional Policy Plan per Section 8H of Chapter 716 of the Acts of 1989, as amended and Chapter C of the Code of Cape Cod Commission Regulations of the General Application: The Process to Review/Amend the Regional Policy Plan.

Speaker MCAULIFFE: So what we will do now is convene the Assembly. And our first item is Proposed Ordinance 18-13, which is the Amendment of the Regional Policy Plan per Section 8H of Chapter 716 of the Acts of 1989 as Amended and Chapter C of the Code of Cape Cod Commission Regulations of the General Application, and this is to Review/Amend the Regional Policy Plan.

So I'll take a motion. Delegate Killion.

**Delegate KILLION: I move Proposed Ordinance 18-13 to the floor for discussion and vote.**

**Delegate O'HARA: Second.**

Speaker MCAULIFFE: Okay. So the amended Regional Policy Plan is on the floor for debate and discussion. We've had public comments that we didn't have, so we have -- and we have a lot of written information.

We also had discussion that I cut off the last time if people wanted to have a little bit more time this time to weigh in, you know, this would be the time. And I see Delegate O'Malley has his hand up so we will start with Delegate O'Malley. Can we pass the microphone down?

Delegate O'MALLEY: Thank you, Madam Speaker. A week ago tomorrow, the Commission held its public hearing on this issue right in this room. I was present for that discussion. And I have to say, as I commented in our prior session here, that I'm impressed with the work of this plan with its scope. I think it lays out -- it establishes a remarkably broad and workable framework for how we view the place types and the varying elements that apply to each of those place types.

But I also heard from some of the public that there were concerns, and what occurs to me here is a problem that I've been aware of that I think we're all aware of, it's much easier to see the mistakes that you have committed than the mistakes that

you have omitted in anything you write or edit or review. They don't jump out at you the way -- actual errors. That's wrong and you put an X.

And I have the sense and at this point now I have read all of this and had endless numbers of conversations over this past weekend, but it's -- it's my clear sense here that what this plan has done is broad ambitious and very, very well done, but it fails to make the issue of confronting climate change the absolute centerpiece the imperative.

Ms. HEATHER MCELROY: Yes.

Delegate O'MALLEY: You know, this is something that we are -- we're supposed to see every five years, and we all know that it's actually been closer to 10 since the last draft plan. Now we have been told this fall that basically unless we can get the planet down to, you know, net zero in the next 11 or 10 -- 10 or 11 or 12 years, well, we're in trouble. We don't have time to come back and wait for the next plan in five years or it was 10 this time. We don't have that opportunity.

This plan has to address it. And I think what I would want to say, and I say this reluctantly because I like to think of myself as a supporter, and I think this is a very good piece of work, but I'm going to have to say that, to me, the demands of where we stand now on this planet at this point, this question has to be there leaping out from every section. It has to be baked in so heavily that you can't read this plan without thinking, oh yeah, we could address that. Yeah, right, we could probably make some cuts there.

The Commission has historically established itself and has done a great job. I was involved in the Climate Change Mitigation public meetings last winter and they're great. Those are about mitigation of the bad effects that we're going to see; ocean warming, sea level rise, storms, et cetera.

But what we're really talking about here is the need to build in an absolute consideration of how do we cut our carbon use to zero in the next couple of decades. This has got to happen. And as somebody already pointed out, even the state targets to which we are not as a County mandated, and I accept that; the Global Warming Solutions Act does not apply to us specifically as a County, but we are part of the state. Even those targets are lower than what we know that we need now.

With those thoughts in mind, I think this is a tremendous plan, and I want to have the opportunity to vote on it, I am going to move --

Speaker MCAULIFFE: You can't move, there's a motion on the floor.

Delegate O'MALLEY: Okay. Then this is --

Speaker MCAULIFFE: You can't.

Delegate O'MALLEY: I can't move, okay. Then I will be moving to move this -- I will submit a motion to resubmit this for reworking to be brought back to the Assembly when you see fit.

Speaker MCAULIFFE: Okay. Just so we're clear, this is an ordinance before the Assembly. This will be voted after we debate. And if this Assembly -- if this passes, the Regional Policy Plan passes. So it's an ordinance of the amendments to the Regional Policy Plan. This is not amendable by us.

Delegate O'MALLEY: A motion is table able.

Speaker MCAULIFFE: We have a 45-day clock on this based on what is required for consideration of this. So it's not just -- this is not a simple little let's just --

Delegate O'MALLEY: Yes. I understand. We would be taking action. We would simply be tabling it for consideration.

Speaker MCAULIFFE: I'm not debating you on this. I'm explaining. Okay. Delegate Kanaga.

Delegate KANAGA: May I? Thank you. Thank you, very much, you all. Thanks for your hard work. Thanks for all your presentations, and thanks for a thorough job.

I agree with some of the sentiments here about reducing carbon emissions. I have seen though, and I have sat through this group, this Assembly, turning down, for instance, the Commission's first try at the Wind Turbine Generation Regulations. And I have seen Boards of Selectmen on the Cape vote against cleaning up our waters against renewable means of cleaning the waters, easy means of cleaning the waters and, basically, argue for doing nothing. And I've seen this Assembly vote against things and end up with doing nothing. And I think every time I've seen it it's been a mistake. So, I would vote to do something by way of (Inaudible). Thank you.

Speaker MCAULIFFE: Delegate Princi and then -- I'm sorry; I get stuck on one side of the table.

Delegate MCCCUTCHEON: Point of personal privilege or something. I didn't hear the last thing that Delegate Kanaga said. Could you tell us your last -- what the last two --

Speaker MCAULIFFE: Once again.

Delegate OHMAN: That he's voting for it.

Speaker MCAULIFFE: He's voting for it.

Delegate MCCCUTCHEON: Well that's what I -- I wasn't sure what he said.

Delegate KANAGA: Yes. I was just saying I've seen a lot of votes for doing nothing and that's not going to be my vote this time. I'm going to vote to approve this.

Delegate MCCCUTCHEON: Okay. Thank you. I'm sorry. Thank you.

Speaker MCAULIFFE: No, that's all right.

Delegate PRINCI: I just have one question to a fellow Delegate and then a statement.

Speaker MCAULIFFE: Through the Speaker.

Delegate PRINCI: Through the Speaker; yes, please. Some of the facts mentioned earlier by the Delegate from Bourne referenced a Politically Incorrect Guide to Climate Change. Did Delegate Zuern get that from the fiction or nonfiction section of the --

Speaker MCAULIFFE: Okay. We will not -- I will not conscience any derision of anyone's opinion. Everyone is entitled to an opinion. Because you don't agree with it, doesn't mean you belittle them in this room.

Delegate PRINCI: I understand. My statement is that, basically, many towns like we mentioned, Harwich, I know Barnstable does; I was on the Barnstable Planning Board for many years. When development projects came before us that were subject to in-house revision and recommendations, our Growth Management Department always put in recommendations for the Green Communities Act. And often

times those projects whether they be mixed affordable development for housing, revitalization of businesses, they were generally given a lot more consideration by going with the Green Communities standards. And I do feel that the policy plan continues to encourage towns to follow those practices and so forth. And I would like to see this whole Regional Policy Plan be delayed because it could be a little bit more aggressive in some of the actions relative to emissions and so forth.

And I do feel strongly that with the amount of efforts and resources we have with the Cape Cod Commission and the willingness and commitment of many members that we heard from tonight and many more in the community, there's members of my community that are here and certainly voiced their concerns via email with letters to me.

I feel that it would behoove the County as well as the Commission to continue to work with these groups and put together an additional plan that will reduce emissions and also help and assist towns to put forth developments that follow through with reducing our carbon footprint.

And I apologize, Delegate Zuern, for that wise remark earlier.

Delegate ZUERN: That was wise, but you're forgiven. May I?

Speaker MCAULIFFE: Yes, Delegate Zuern.

Delegate ZUERN: I have read this book this past week, "The Politically Incorrect Guide to Climate Change" by Mark Morano, and he was a staff member to the Senate and had been in a lot of committees, and he addresses a lot of issues from polar bears to the UN. So I would suggest that everyone in this room, you know, read something like this. There are other books to read as well. I've also read "Climate Change Reconsidered II" where they've done -- I'm trying to think of the word, experiments on the CO2 and they've increased the CO2 level in a room where they had plants and the plants actually thrived on that CO2. And I remember in school that, you know, plants give off oxygen and we give off CO2, so there's a cycle. So to say that we're going to reduce our carbon doesn't make any sense to me at all. As long as we have enough plants, they can use that carbon -- that CO2. We don't need to reduce anything.

Now this was started by the UN, the IPCC, which is the International Panel on Climate Change in 1988, that's when this whole thing started. Before that, they were talking about more of a cooling --

Speaker MCAULIFFE: Delegate Zuern, could you just talk about the RPP?

Delegate ZUERN: Okay.

Speaker MCAULIFFE: This is -- there are a lot of people who want to weigh in, and if everyone had their opinion we would be here really late.

Delegate ZUERN: Okay. I guess there's just so much that has to do with the climate change, that it really needs to be addressed, and I think it needs to be looked at very carefully, and I would like the Cape Cod Commission to have a workshop and have both sides and have a dialogue and come up with something that makes sense.

I will not vote on this RPP, not for the reasons that people came here today, but because I don't want to see terms in this policy plan that, to me, are a hoax and fake, that they don't exist. So this is just, to me, a plan by the UN to take control

over energy and to redistribute the wealth and that's all its doing.

You know, after years of this Paris Agreement, we will have spent a hundred trillion dollars and it's not going to make any difference to the climate temperature or the CO2.

Speaker MCAULIFFE: Thank you.

Delegate ZUERN: So I will not vote for it for that reason.

Speaker MCAULIFFE: Delegate Moran.

Deputy Speaker MORAN: Thank you. In my view, there is overwhelming evidence that climate change is absolutely a reality and that we as communities and as a region have to pay attention to that in the most urgent of senses.

I've received and as we all recognize many communications about greenhouse gases and electric cars. And, in fact in Falmouth, we've had a long discussion with our regional transportation entities with respect to electric cars. We've spoken with Eversource with respect to adding more charging stations. Our climate committee is -- has already installed a couple of charging stations and so that, you know, there's Falmouth and many communities are keenly sensitive to the urgency and moving forward. And, you know, I think that I want to really commend the folks here as well as the Commission for getting together and making changes and edits to the policy to address the urgency of those issues.

But this is really the key point -- in a manner that is flexible in terms of our other urgencies and our other concerns in terms of sustainability. As the Chair of the County's Economic Development Committee, we really looked hard at the plan on those issues, also in the context of moving development in ways that communities want that development to go.

And I think that the other thing I want to complement the Commission on is, you know, the really dramatic change in looking ahead and giving the communities more control, more ability to customize various requirements for those communities. That depends on what that community can afford. It depends on what the public votes for. It depends on how those communities want to spend their money.

And I think that the most important thing I heard today was an analogy to the way that the Cape Cod Commission is moving forward. Kristy Senatori said that they are ready and if the Assembly votes, and I would like to this on a future Assembly agenda, to move ahead with a brand-new committee giving higher focus to climate change issues in the same sense that the Water Collaborative has now moved ahead and really in a very practical way put the County in a position to really get very, very extensive grant funds and to treat the problem and the urgency as a regional issue in a way that balances the encouragement of the right development and recognizes the other dire needs in the community in terms of job security, in terms of keeping the expenses of living on the Cape for folks of limited means or retired folks in an affordable circumstance.

So, you know, I think that if we don't, and this is my last point, if we don't have advocates such as folks in the room that put the bar out here and are strict and are demanding, then the rest of the community doesn't move in that direction.

So I will be voting in favor. I will also be bringing a Proposed Ordinance that will hopefully encourage the Assembly to take the Commission's suggestion and to

make it -- this a regional focus community that moves ahead, and that all of us, all the local communities can point too.

Thank you.

Speaker MCAULIFFE: Delegate O'Hara.

Delegate O'HARA: Thank you.

Speaker MCAULIFFE: Please pass the microphone.

Delegate O'HARA: Thank you. Thank you. I'll be brief. I'm a building contractor; I've been one for over 50 years, and I have seen building code change where the houses are almost too tight at this point. I see a lot of things that whether it be not just a code, a building code, the materials that are used now today are often times are very difficult, some of them are causing health issues.

So a lot of things have changed. The cost of construction is just skyrocketing. The code itself is almost hard to follow and understand. People go to school a long time just to understand.

The one thing that I've learned over the years is that the big things on the Cape have been energy and consumption of and also wastewater. But in all the years that I've been on the Cape, one of the things I haven't heard about global warming -- it's not something that is talked about, but nobody has ever come to me and asked me.

The best thing that's come out of this that I can see with the Commission's policy is brought you here so that you have a voice in front of us. And before that, nobody had ever come to me and had a conversation about global warming. And this is a great opportunity, and I think that when the Commission offers an opportunity to maybe collaborate with the group and reach out to others so that more people are fully aware. I think this is a better opportunity, and I am in favor of the policy. I've read it. I think it's a good opportunity for the same reasons that we just spoke about, giving more control to the towns, and I know that Kristy is fully aware that I've been looking for that to happen for a long time before the former Administrator.

But I hope that's something -- you can make something out of this and reach out to more people and make them fully aware. I hope that you can work with Kristy and the Commission and move it forward.

Thank you.

Speaker MCAULIFFE: Delegate Killion.

Delegate KILLION: Thank you, Madam Speaker. This has been an interesting discussion. I've never heard so many people on different sides of the issue speak so glowingly of the issues that we're talking about with the plan that has been put together and has been spoken of very highly of both sides which, I think, speaks volumes of the effort that went into it.

I think whenever you're dealing with such a plan that has such broad reach, you're, obviously, going to lose a few things at the edges, and there are a few things in here that I don't necessarily agree with a hundred percent, but I agree with the concept that's been put in place.

I mean you're dealing with things from invasive species to other types of restoration; it goes a long way. And so I think to try and go too far in one direction for one issue, you're going to lose things on the other side.

So I think what the Commission has done here is look at the totality of

what we should be looking at and the most effective path to achieving those goals. So I think that this is a document and a plan that is worthy of our support, and I will certainly be supporting it.

Thank you.

Speaker MCAULIFFE: Is there anyone else who wants to --

Delegate OHMAN: Yes.

Speaker MCAULIFFE: Delegate Ohman.

Delegate OHMAN: Thank you, Madam Speaker. I, too, wish I was as eloquent as my colleague from Falmouth because she said many of the things I've written down. But I, too, was taken aback by everyone that had something to say about the specificity of the carbon emissions also started off by saying, "What a great document this is." And that's a testament to the hard work that's been done.

And I think they've addressed this eloquently through the action opportunities within the policy plan having a separate working group that Mr. Killion mentioned again. I think the document should stand on its own. I think it's a great document. I think it's a timely issue. It's been almost 10 years since we had our last one. We have to move on. Pass this and move on to any other documentation that would need to go forward with carbon loading.

I'm kind of a victim of carbon loading in recent times so. I'm all for it. But I highly endorse this plan. Thanks.

Speaker MCAULIFFE: Yes, Delegate Harder.

Delegate HARDER: Since I'm new, I have a question about is there a way to approve the RPP with the understanding that we will set up a working group? Can you approve it with an addendum?

Speaker MCAULIFFE: No.

Delegate HARDER: Okay.

Speaker MCAULIFFE: We don't -- we wouldn't physically be able to attach anything. This is before us for approval or disapproval. So if we approve it, we can, by ordinance, bring that request forward and say that we would like the Cape Cod Commission to take on a -- the issue of climate change with a task force. And this leads into -- I don't want to repeat what other people have said -- but wastewater was a big issue in my town a decade ago, and we couldn't get anywhere with it. And if it weren't for the Cape Cod Commission taking on the wastewater issues of the Cape and their 208 Plan, we would be significant -- we would be decades away from where we are today.

So, they have a proven track record of being able to move issues forward. So I would not be at all uncomfortable if we approve the policy plan and then with the idea that we would bring something forward they've offered. I think that's appropriate. I think it's more appropriate in a separate focus group than it is in the Regional Policy Plan because as everyone has said, one of the first things as a Selectman that I fought against at the Cape Cod Commission was onsite renewable energy of 10 percent in a renovation project. It wasn't possible. And so they had to find a balance of, and I'm not even talking about new developments; I'm talking about just renovating one of our 4,000 hotels, you know. It's a plan that kind of had to find the balance. So on the edges, some of the things might not be as perfect.

So I think the idea of an ordinance going forward with, you know, the

energy or the climate change, perhaps as Delegate Zuern suggested, kicked off by a workshop opposing points of view, however they decide to do that.

But I feel confident in entrusting the Cape Cod Commission because of the caliber of work that they do.

Delegate O'Malley.

Delegate O'MALLEY: Directly, Madam Speaker, directly on this subject. Well, over the course of my conversations in exploring this over the weekend, this kind of task force idea has already surfaced, and it really came from my conversation with Executive Director Senatori that many of the issues that we could really address here are not under the purview of the Cape Cod Commission. They are, quite frankly, more under the purview of the administration.

So in conversations with Jack Yunits, we talked about setting up some sort of thing, and I think it sounds like we should be moving towards an ordinance. But they are -- they're very much clearly in front of us. We control grounds, landscaping, buildings. We control vehicles; we have a whole fleet of vehicles. We have energy use. We have personnel who have schedules that could possibly be changed. So we have invested funds that quite likely right now are supporting fossil fuel industries. There are lots of places where what the County can directly on its own is going to make changes. And I think that's a direction I would like to see us go. It's kind of a separate question from what we do about the plan.

Speaker MCAULIFFE: Yes.

Delegate O'MALLEY: But it tries to address the very real carbon generation that's going on that we can get our hands on now so.

Speaker MCAULIFFE: So before us right now is the Regional Policy Plan, and Delegate McCutcheon wanted to make a comment. And that's what we'll vote on. And then the other ideas would be that, you know, with future ordinances.

Delegate McCutcheon.

Delegate MCCCUTCHEON: I think that the debate we've heard this afternoon illustrates one kind of primary concern that we should have here, which is that we need to find consensus and not places where we argue.

There are some things about global warming and climate change that nobody's ever going to agree on, and we don't have to agree to clean it up. I just want to point that out. You don't have to believe in Santa Claus to have a happy Christmas.

Speaker MCAULIFFE: All right. With that, I think we should vote.

Delegate O'HARA: Are you talking to me?

Speaker MCAULIFFE: Delegate Chaffee hasn't spoken.

Delegate CHAFFEE: Thank you, Madam Speaker, and thank you to the representatives from the Cape Cod Commission, and I also want to thank the residents of Brewster who reached out to me with very thoughtful expressions of their views around this.

I think that we have to address greenhouse gas emissions at every level of government. And what I just heard going on here is really a broader discussion of where is the right place in Barnstable County to take action that's going to be meaningful and how can we all work together. I came in here really uncomfortable with some of the perceived omissions in the document that's before us. I still do have some concerns. I

like the ideas that have been proposed about how to fill the gaps so to speak. But if we create another body to take action on this, it cannot be a two year or three year or four year let's chew on this ad nauseum while the sea level rises and while a host of other problems continue to encircle us.

So I think the pressure is on us to find an appropriate way to address all of the issues that have been brought before us. We can't look away; we can't be passive; we can't just put this off for someone else to deal with. I think the Cape Cod Commission has a role. I think the County Administration has a role, and I would like to see an aggressive County policy going forward addressing greenhouse gas emissions. So recognizing all of the pieces that have been talked about here, I will support this.

Speaker MCAULIFFE: Thank you. Will the clerk please take the roll -- call the roll to take the vote. This is for approval of Ordinance 18-13, the amendment of the Regional Policy Plan.

**Proposed Ordinance 18-13**

**Voting "YES" (83.08%):** Mary Chaffee (4.55% - Brewster), Elizabeth Harder (5.67% - Harwich), Christopher Kanaga (2.73% - Orleans), James Killion (9.58% - Sandwich), E. Suzanne McAuliffe (11.02%-Yarmouth), Deborah McCutcheon (0.93% Truro), Susan Moran (14.61% - Falmouth), Thomas O'Hara (6.49% - Mashpee), John Ohman (6.58% - Dennis), Patrick Princi (20.92% - Barnstable),  
**Voting "NO" (15.65%):** J. Terence Gallagher (2.30% - Eastham), Brian O'Malley (1.36% - Provincetown), Randi Potash (2.84% - Chatham), Linda Zuern (9.15% - Bourne).

**Absent (1.27%):** Lilli-Ann Green - (1.27% - Wellfleet).

Clerk O'CONNELL: Proposed Ordinance 18-13 passes with 83.08% of the delegates voting "YES", 15.65% voting "NO", and 1.27%. Now known as Ordinance 19-01.

**Ordinance 19-01: Amendment of the Regional Policy Plan per Section 8H of Chapter 716 of the Acts of 1989, as amended and Chapter C of the Code of Cape Cod Commission Regulations of the General Application: The Process to Review/Amend the Regional Policy Plan.**

Speaker MCAULIFFE: First Ordinance of 2019. Thank you.

Exec. Dir. KRISTY SENATORI: Thank you, very much.

Speaker MCAULIFFE: Thank you to everyone for sticking to the end, and I think you can hear from this Assembly that there will be ordinances coming forward.

Speaker MCAULIFFE: Committee reports? No committee reports.

**SUMMARY REPORT FROM THE CLERK**

- Reminder to Delegates about vehicle insurance coverage for reimbursement of mileage

- **Conflict of Interest acknowledgement and training required by April 2019**
- **Reminder to MMA attendees regarding submission of receipts for reimbursement**

Speaker MCAULIFFE: Report from the Clerk.

Clerk O'CONNELL: Several things to report to you this evening and one is just a factoid. It occurred to me after I was looking at the Assembly photo that was taken that this is the first time since the Second Session of the Assembly that there are eight females on the Assembly. So the females have the majority.

Delegate KANAGA: What's your point?

Clerk O'CONNELL: It's just a factoid.

Clerk O'CONNELL: The second item is a reminder of our vehicle insurance. Please confirm to me via email that you are carrying the requirements or limits imposed by the County for reimbursement policy.

Also, at the back of the room this evening there was a case of paper. You do a significant amount of printing at home, I do realize. I can't help with the toner, but I think we can get everybody a ream of paper. I try to do that at least once a year. If you want one and there are none left in the case, let me know because there are 15 of you; I brought up 10. Some people don't bother taking it, and I'll make sure that I supply you with one at the next meeting if you don't get it tonight.

Number two, Conflict of Interest. You've heard some information about that this evening. With regards to that, just acknowledgment that we received an email from the state, and you have to acknowledge the summary; you will have to do that and you're going to have to do training this year any time now because I think it's due by April, Conflict of Interest.

And just another FYI because it sort of affects me and it also became a question from another Delegate today; training for County employees is different from training for other positions that you may have within a municipality.

Delegate OHMAN: Right.

Clerk O'CONNELL: So, myself, I'm going to fall under the category that I'm going to have to take that training twice because I'm a municipal official and I work for the County. So two separate certificates unfortunately which means two trainings.

Speaker MCAULIFFE: That would be you.

Clerk O'CONNELL: Sorry. And in regard to the upcoming MMA conference, it is happening actually beginning Thursday afternoon, Friday morning, Saturday. Just I sent a reminder to the people who are going to be attending with regards to the requirement related to receipts, very, very important.

And, also, when you check in to the registration booth, it confuses the heck out of them if you show up and you say, "I'm from Harwich." No. You're from Barnstable County for that conference. So you've got to go to the cashier booth. Forget the alphabetical signs you see. The cashier booth is where you go to pick up your packet and everything should go flawlessly. You're registered and you're all set to go. I think you've made your hotel reservations and, again, receipts, very, very important.

And that's it. There is a MIIA Luncheon. The County is receiving a safety award. Commissioner Bergstrom will be accepting that award on behalf of the

County. And anyone who's going is allowed to attend with their guest.

And I think that's it other than to say when I return from the conference, I'm going to try to get in and do a little bit of clean up on Monday, which I know is a holiday, but I've got to do it because I will be out of the office Tuesday until the following Thursday. I'm actually going to take a vacation.

Speaker MCAULIFFE: Before the budget season, of course.

Clerk O'CONNELL: So I just want to let you know that, but I'll be available via email communication. I won't have access to my files because I won't have my laptop with me, but a lot of times I can answer your questions and get you on the right track without those files.

So email away to me.

Speaker MCAULIFFE: And I've been known to do that on a Saturday.

Clerk O'CONNELL: And that's all I have, Madam Speaker.

### **SUMMARY OF OTHER BUSINESS**

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Speaker MCAULIFFE: Thank you. Under "Other Business," we had listed "Discussion regarding Assembly interest in a Charter Review." I think that this has to be more than an interest; I think it's required by Charter that we do a Charter Review.

So I guess what I would like to do is explore what kind of Charter Committees we can entertain. Do we want to have an in-house committee? Do we want to have outside people? What kind of structure do we want to set up to do the Charter Review?

I know Delegate McCutcheon had talked about Charter Review Lite meaning that it would be an in-house committee or it wouldn't necessarily -- it would involve a lot of housekeeping and some updating but not a major overhaul.

So we can talk about the options because maybe people are interested in a major overhaul as well, so that would also denote this structure.

Did you have a question, Delegate?

Deputy Speaker MORAN: Just to appreciate that you're putting that before the Assembly. I think a five year or there is a requirement, so I think by definition it requires that we look at everything. But my point, my major point is that I think it's absolutely crucial to involve the public. I think that County government is changing. I think that there are always more needs, and I think that if -- this is a perfect opportunity to not only get feedback from the public who are familiar with the County but to familiarize folks who are not so that they appreciate the services the County offers and maybe are able to take advantage of those services more.

Speaker MCAULIFFE: Yes, Delegate O'Malley.

Delegate O'MALLEY: I would simply echo that concept. Clearly, we've gotten into real gridlock in the past in our efforts to do reform, and I think bringing in the community does serve that role of educating and gives us an opportunity to come up with a plan that, basically, involves some consensus about going forward. So, I agree.

Speaker MCAULIFFE: The reason I brought that up was two reviews

ago there was a massive external committee that had major changes and not one was adopted.

Deputy Speaker MORAN: Can I? One more, sorry.

Deputy Speaker MORAN: So we now have models that the Commissioners, for example, take requests from the community in terms of whether they want to be on a committee. And so that would be one avenue where we could have sort of an application process and then perhaps limit to a very workable number the amount of the public that is actually maybe on whatever. If it's an ad hoc committee or however the chair designates, and the Assembly designates that would be open to the public.

So, people that are interested would be able to be heard but yet the work of the body that was doing proposed amendments or additions or changes would be more facile, flexible, and hopefully more efficient.

Speaker MCAULIFFE: I would argue that this is an Assembly job and that we do not have the County Commissioners participate -- participation in terms of --

Deputy Speaker MORAN: That was an analogy; sorry.

Speaker MCAULIFFE: All right. Okay. So it would be up to us to structure it to handle -- and I say "us" meaning the Clerk will be doing yeoman's work as the Clerk does where there is a Charter Review. But you're right, we can get a system set up and encourage some participation. That's one of the models we can certainly propose for Charter Review.

So I wanted to have a conversation with Attorney Troy too on what the specific legal requirements are so that we're not just coming up with ideas and then find out that we can't really do this.

So Charter -- yes. Oh, no, Charter Review is happening. My proposal would be to do some thinking, some talking, some tentatives. Think about, you know, if you're interested in that kind of participation. The budget is going to be a three-meeting marathon at this point with potential for overflow from that.

As the Clerk said, the early budget hearing before the Commissioners have gone quickly and smoothly, and I'm hopeful that that might be the case before us. But we have three kind of big meetings set up and it would be four to probably seven-ish to get all the departments kind of before us and presented.

And then we have an extra meeting for follow-up and then our public hearing on the budget. So that's the way it's looking right now. So after that's done, which could be early May -- end of April/early May, then we can charge into a Charter Review. But we're starting the talk of it now.

Clerk O'CONNELL: I'll send out the schedule probably tomorrow of --

Speaker MCAULIFFE: The Clerk's been working on this with the Director of Finance in terms of how they're presenting their budgets to the Commissioners and what kind of makes sense, what kind of hangs together. I mean, it is a wide assortment of topics and a wide range of things, but sometimes you just have to put something in because you have a minute so.

Clerk O'CONNELL: May I?

Speaker MCAULIFFE: Yes.

Clerk O'CONNELL: I'm going to be notifying department heads

tomorrow and I will you as well which departments are coming in on which days. It's going to start with March, the first meeting in March, the second meeting in March, the first meeting in April, and then the second meeting in April will be any necessary people to return, wrap up discussion by the Assembly, public hearing, so that, hopefully, you're prepared to vote in May.

No, I don't know what effects early retirement will eventually have on the budget. Right now the budget, I think, is going to come forward to you as planned and as submitted by department heads.

The Commissioners and administration are going to take a look at early retirement once they sort of make that casting call to people who are available, see what the commitments are, think about what they may want to suggest for realignment, and I think that may come forward in April.

So there may be the possibility of some amendment coming forward to the budget because of that happening but we'll --

Speaker MCAULIFFE: Sure.

Clerk O'CONNELL: And I also, if I can have the opportunity to correct or clarify the vote on the Proposed Ordinance that you voted on tonight.

Speaker MCAULIFFE: My math isn't correct.

Clerk O'CONNELL: No, well we have the absentee vote.

Speaker MCAULIFFE: Oh, the absentee.

Clerk O'CONNELL: It was 83.08 percent voting yes; 15.65 percent voting no, and 1.27 percent were absent. So if you do the math that should come out to 100.

Speaker MCAULIFFE: Thank you. Any other business to come before -  
- Delegate Killion.

Delegate KILLION: Yes, thank you, Madam Speaker. I heard recently in the news that the Registry of Deeds had a downturn of revenues in December, and I think it would be wise as we go into our budget discussions to get an update on where we actually are with revenue for FY19.

Speaker MCAULIFFE: Going into the FY20 Budget.

Delegate KILLION: Yes.

Speaker MCAULIFFE: Great. Can we make a request to have an update on revenues especially given the lower forecast.

Speaker MCAULIFFE: Delegate McCutcheon.

Delegate MCCCUTCHEON: And not to risk the Delegate consensus we built, but I would like to -- I was very concerned when I read in the paper that our Sheriff had turned over a number of inmates from the jail to the ICE. I'm concerned because children have died in the custody of the United States government.

I'd like to reconsider our vote that we were not concerned by the arrangement made and to withdraw our support for it.

Speaker MCAULIFFE: Well that can come forward as an ordinance if you want.

Delegate KILLION: Resolution.

Speaker MCAULIFFE: A resolution if you want it before the Assembly. Anything else before the Assembly? I'll take a motion.

**Delegate O'MALLEY: Move to adjourn.**

**Deputy Speaker MORAN: Second.**

**Speaker MCAULIFFE: We are adjourned.**

**Whereupon, it was moved and seconded to adjourn the Assembly of Delegates at 6:15 p.m.**

**Submitted by:**

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

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

- **Business Calendar of 1/16/19**
- **Unapproved Journal of Proceedings of 1/2/19**
- **MA Open Meeting Law Guide**
- **MA Public Records Law**
- **MA Conflict of Interest Summary**
- **Proposed Ordinance 18-13**
- **Email comments from public (17) regarding Proposed Ordinance 18-13**
- **Written statement from member of the public regarding Proposed Ordinance 18-13**