

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

**APPROVED Journal of Proceedings - February 6, 2019**

**Call to Order**

Speaker MCAULIFFE: Good afternoon. It's 4 o'clock. This is the Cape Cod Regional Government, the Assembly of Delegates. It's Wednesday, February 6<sup>th</sup>, 2019, at 4 p.m. We're in the Harborview Room at the Barnstable County Complex.

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

(Moment of silence.)

Speaker MCAULIFFE: Thank you.

Please rise for the Pledge of Allegiance.

(Pledge of Allegiance.)

Speaker MCAULIFFE: Thank you. Will the Clerk please call the roll?

**Roll Call Attendance**

**Present (62.92%): Mary Chaffee (4.55% - Brewster), J. Terence Gallagher (2.30% - Eastham), James Killion (9.58% - Sandwich), E. Suzanne McAuliffe (11.02% - Yarmouth), Deborah McCutcheon (0.93% Truro), Susan Moran (14.61% - Falmouth), John Ohman (6.58% - Dennis), Brian O'Malley (1.36% - Provincetown), Randi Potash (2.84% - Chatham), Linda Zuern (9.15% - Bourne).**

**Arrived Late (27.41): Thomas O'Hara (6.49% - Mashpee – 4:05 PM), Patrick Princi (20.92% - Barnstable – 4:30 PM).**

**Absent (9.67%): Lilli-Ann Green - (1.27% - Wellfleet), Elizabeth Harder (5.67% - Harwich), Christopher Kanaga (2.73% - Orleans).**

Clerk O'CONNELL: Madam Speaker, you have a quorum with 62.92 percent of the Delegates present; 37.08 percent are absent.

Speaker MCAULIFFE: Thank you.

**Approval of the Calendar of Business**

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

**Deputy Speaker MORAN: So moved.**

Speaker MCAULIFFE: Any discussion?

**Delegate CHAFFEE: Second.**

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

**Approval of the Journal of Proceedings of 1/16/19**

Speaker MCAULIFFE: Our next item is the Journal of January 16, 2019; is there a motion to approve the Journal?

Delegate O'MALLEY: Madam Speaker.

Speaker MCAULIFFE: Yes, Delegate O'Malley.

**Delegate O'MALLEY: I move acceptance of the minutes -- the Journal of**

**January 16<sup>th</sup> as distributed.**

Speaker MCAULIFFE: Any comments? Yes, Delegate Chaffee.

**Delegate CHAFFEE: One minor revision** I'd like to request be made. On page 32, under my comments, my first paragraph of comments is the statement with a very thoughtful expressions -- "With very thoughtful expressions/other" that should be "**Expressions of their views.**" Thank you.

**Speaker MCAULIFFE: Anyone else? So the Journal with the amended change; is there a second?**

**Deputy Speaker MORAN: Second.**

Speaker MCAULIFFE: Okay. All those in favor? Aye. Any opposed? **It passes unanimously as amended.** Thank you for catching that.

### Summary Communications from the Board of Regional Commissioners

- **On 1/23/19 Commissioners reviewed proposed department budgets for FY20: Facilities, Cooperative Extension, Registry of Deeds, Capital Improvements with no major changes**
- **Commissioners approved the Cape Cod Commission amended Regional Policy Plan update on 1/23/19**
- **Commissioner Bergstrom submitted Proposed Ordinance 19-02 to amend the Human Rights Commission Ordinance 05-18**
- **On 1/30/19 Commissioners reviewed proposed department budgets for FY20: Health & Environment, Human Services, Children's Cove with no major changes**
- **On 2/6/19 Commissioners reviewed the proposed department budgets for FY20: Cape Cod Commission, Fire Training Academy, Finance and Debt Service with little change**
- **On 2/6/19 there was a presentation from the Mercy Otis Warren Committee to Mary Pat Flynn recognizing her service to her community**
- **Commissioner Bergstrom submitted Proposed Ordinance 19-03 for FY20 proposed county capital improvements of a total of \$975,000**

Commissioner BERGSTROM: So the budget process is moving right along. I mean I could read to you what we looked at the 23<sup>rd</sup>. We looked at Facilities, the Cooperative Extension, the Registry of Deeds, and the Capital Improvement Programs. There weren't any major changes in any of them as far as financial impact. I'm not going to go through the details because you'll be going over the same segments on your own.

We then went on to amend the Regional Policy Plan which you know all about because you got that the last time; didn't you?

Speaker MCAULIFFE: Yes.

Commissioner BERGSTROM: We approved that after you had. But then we went on to introduce a Proposed Ordinance amending Ordinance 05-18, establishing a Barnstable County Human Rights Commission, and I have that freshly printed right here.

Speaker MCAULIFFE: Thank you.

Commissioner BERGSTROM: There's that, okay, with the big stamp. The details of that will be included in the ordinance, but we made some changes after long discussions with members of the Human Rights Commission.

Let's see, we're still on the 23<sup>rd</sup>. And then the rest of the stuff is just boilerplate. We approved a leave of absence for an employee. Basically, an agreement for the Dredge, septic betterments, and so on. So that gets us to the 30<sup>th</sup>.

Okay. The 30<sup>th</sup> we reviewed the Health and Environment, the Human Services Department, and the Children's Cove. And, once again, there was not a lot of change in the fiscal impacts to the County of those departments. I pretty much -- I know you -- that Jack Yunits has given you a preliminary appraisal of the .025 increase in the overall budget, that's what we're working on. Of course, that depends on if we add or subtract and also if you add or subtract. We're hoping you won't do it but that's your privilege. And, also, there are things that may come up between now and the time we approve the budget we're not aware of. Okay? That's what we did.

We authorized a contract -- I mention this because it's a big number -- authorizing a contract with the Massachusetts Executive Office of Housing and Economic Development for a Seaport Economic Council Grant in the amount of \$317,020.00 for a period through June 30, 2021, for the "Mapping Stormtide Pathways Project." I don't know if you guys are familiar with that, but it maps areas along the shoreline which are breached and can then flood more in-shore areas. So if you've got a dune or if you've got a high area and the waves come in -- so if -- by mapping this, we can determine where those areas are and prevent that kind of flood.

Then we had a contract to monitor and maintain the Ground/Water Pump and Treat System at the Fire Training Academy and some septic betterments.

And that brings us to today where we reviewed the Cape Cod Commission. We reviewed the Finance and Debt Service. We reviewed the Fire Training Academy, and one other which escape me right now but had to do with the finance of the County. And, once again, you'll get those -- you'll get those in short order when you get the budget.

But the highlight of the meeting was a presentation from the Mercy Otis Warren Committee to Mary Pat Flynn recognizing her service to her community, both the Town of Falmouth and also to Barnstable County. It came as a total surprise to Mary Pat, at least that's what she said. It came as a surprise to the Chair. I had no idea why all those people were in the room, but I had my suspicions when they got up and gave Mary Pat the -- so she was greatly appreciated. And certainly I've known her for a long time, as we all have, and the award was well deserved.

And outside of that, there were a few things here and there but there were also basically contracts for paving, you know, the town does paving contracts for all the other - - the County does it for all the other towns.

And that is pretty much it, what we have.

Speaker MCAULIFFE: With the ordinance, you also submitted one for Capital for \$630,000.

Clerk O'CONNELL: There were two ordinances in the package.

Commissioner BERGSTROM: Oh yes.

Speaker MCAULIFFE: So we're going to have two ordinances coming forward. That's all right. I have your copy here for capital improvements - courthouse improvements and other items.

Commissioner BERGSTROM: Both of them.

Clerk O'CONNELL: I know that you voted on it, and it's important to mention it at the meeting so that it gets into the record because if any of this needs to be bonded,

bond counsel wants to see minutes and they want to see where it was submitted, so that's why the formality of it.

Speaker MCAULIFFE: Yes, it says it was approved January 23 at 9 a.m. as proposed ordinance.

Commissioner BERGSTROM: What happens is is they put the ordinance in front of us and say submit these.

Speaker MCAULIFFE: And everybody signs it, yes.

Commissioner BERGSTROM: And we have already signed -- we have already approved them by signature along with 50 other things.

Speaker MCAULIFFE: We just wanted to make sure it was on the record so that it gets a hearing and it gets the vote of the Assembly.

Commissioner BERGSTROM: Okay. Well, I don't know if there's any questions on that?

Speaker MCAULIFFE: Yes, Delegate Killion.

Delegate KILLION: Thank you, Madam Speaker. Good afternoon, Commissioner Bergstrom. I attended a meeting last week and the subject of the Dredge came up.

Commissioner BERGSTROM: Yes.

Delegate KILLION: And the brief discussion that ensued talked about that they're still continuing to have quite a few problems with the new Dredge, and we're starting to fall behind schedule?

Commissioner BERGSTROM: Well, the Dredge -- I don't know -- the Dredge actually probably was discussed in these meetings, but I've been getting regularly, almost daily updates from the County Administrator and, yeah, it's been a problem. I mean we can't sugarcoat it. It's had issues. It is currently going to be taken out of the water and the company, which I can't think of right now, is going to overhaul the entire dredge to make it conform to the particular needs that we have here on Cape Cod, okay?

We are also -- the Cod Fish is in the water right now. I don't know exactly where they are. They were in Provincetown last --

Delegate O'MALLEY: Provincetown Harbor.

Commissioner BERGSTROM: What? They're in Provincetown Harbor?

Delegate O'MALLEY: Provincetown Harbor, yep.

Commissioner BERGSTROM: They're heading to Popponeset, I think. So we're trying to catch up. We're behind schedule. We're probably not going to be able to do Truro, which was a promise that we made. But the ice has come in and so on.

But, as it stands now, we are going to totally do over the new "new Dredge" so that we have the capability and the capability of dredging the areas that we want and make sure that all the bugs are out and everything like that. The Cod Fish is in the water.

We are in the process of looking, getting another dredge. This dredge will be off the shelf. It won't be designed by -- in other words, the company that makes these dredges has a certain --

Speaker MCAULIFFE: Standard.

Commissioner BERGSTROM: -- standard and they can make that a lot quicker than what we required in the first place. So I suspect that by the fall we will have the two -- the dredge that's being rehabbed now out of the water and the dredge that we are ordering, and the Cod Fish will be a backup, basically, to provide in case maybe another

dredge or somethings out of service.

There's also talk of a smaller dredge. I mentioned this before. It's owned by Plymouth County, which they're underutilizing, and they're going to allow us to use it if we go into areas that are too small for the big dredge.

But, yes, there's been issues ongoing. We're aware of them. Jack's had some animated conversations with some of the harbor masters and the Boards of Commissioners, and I'm going to do everything I can in my power to go and assure them that the County is going to straighten those things out; we're going to get back on schedule, and the dredge will be available to them when the openings come up in the -- it's going to Chatham -- one is going to Chatham because we can dredge in Chatham in the winter. Some of these areas, as you know, you can't dredge there because of closures due to horseshoe crabs, flounder, and so on. But when the windows are open, we hope to be able to meet our commitments. That's all I can tell you right now.

Delegate KILLION: So the timetable for putting it back in service is the fall?

Commissioner BERGSTROM: No. The timetable is spring. For the dredge that we have already purchased is going to be rehabbed and it's going to be put back in the water by -- oh, I'm talking April/May. The dredge that's going to be in the fall is the one we could have on order. And this isn't written in stone. If Jack was here, he'd probably give me a better estimate.

We going to reorganize how the dredge operation is run; who runs it, who does the permitting and so on. So it's going to be the, to me, the Dredge should be a separate department, and that department is going to be reassessed and reorganized with new leadership and maybe even having a contractor come in and give us a heads-up as to exactly how to do this, how to run it because it's been an issue for over a year and a half so.

Delegate KILLION: Thank you.

Speaker MCAULIFFE: Anyone else? Delegate O'Malley.

Delegate O'MALLEY: Thank you, Chairman Bergstrom. You mentioned that you signed a contract with the Executive Office of Economic Development maybe for flood vulnerability and mapping, shoreline vulnerability.

Commissioner BERGSTROM: Right.

Delegate O'MALLEY: I'm a little surprised that that's not coming out of the Cape Cod Commission who seems to have incredible mapping skills and abilities. Why are we turning to another agency buying that --

Commissioner BERGSTROM: Well I think we got a grant.

Delegate OHMAN: We got a grant.

Delegate O'MALLEY: We got a grant. Well, that's a short answer.

Commissioner BERGSTROM: You know, I mean the Cape Cod Commission is good at regulating things, but they don't have an on-the-ground team to go out and do these. These are actually -- we're going to be actually looking at the physical configuration of these shoreline areas to see and doing, I imagine, GIS to see how high something is compared to the land behind it. So this is quite an enterprise.

You know, there are areas in my town, for instance, that have flooded for the first time. And once they flood, the water has a hard time receding because it's trapped behind the barriers that these dunes and other configurations create.

Delegate O'MALLEY: Yes.

Commissioner BERGSTROM: So I don't know exactly how it's going to be done. It's going to be contracted out, but it's important and if we discover the areas that are critical, we can go, and we can remedy that. And, you know, a small remedy of raising a berm or a dune can save us a lot of trouble.

Delegate O'MALLEY: That's right.

Commissioner BERGSTROM: I mean look at up in Pamet, for instance; the Pamet River floods from the ocean side many times, you know.

Delegate O'MALLEY: Yes.

Commissioner BERGSTROM: What would it take to create a barrier between the ocean and the head waters of the Pamet in order to prevent that from happening again? So it's an issue, and I know you've had issues up in Provincetown and in the harbor.

Delegate O'MALLEY: Yes.

Commissioner BERGSTROM: So that's that.

Delegate O'MALLEY: Thank you.

Speaker MCAULIFFE: Delegate Ohman.

Delegate OHMAN: Thank you, Chairman Bergstrom. Today's meeting, also, I was fascinated by the police training academy issue; you did mention it today.

Commissioner BERGSTROM: Oh yes.

Delegate OHMAN: But I didn't catch exactly how much money or how much involvement we'd have, but I think elaborating on that would be very influential for the entire Assembly.

Commissioner BERGSTROM: Yes, I kind of skipped over that because it was part of another budget. But we want to have established here in Barnstable County a Police Training Academy. There's a \$50,000 request in the budget for that, which the Commissioners approved. We actually don't approve it until we improve the entire budget, but I didn't see any objections from any of my fellow Commissioners.

The alternatives to training for cadets are either very distant or even if they're not distant, they're all filled up, can't get in. So there's a need. I was assured by Mr. Sampson and Mr. Carnes that there was a need for this. The departments could send their cadets to this and get training all according to state standards. I mean we don't set the standards. There's a template that sets state standards that are met. And, you know, it will cost us a little. There will be a fee, \$3,000 which is set by the state for each candidate to go through the training. Jack and Mr. Carnes wasn't exactly concise as to what the ongoing year to year expenses for this, but the budget this year only contains \$50,000 for the set-up of this. And I think we're hoping to get going by June for this so it could happen pretty fast.

Speaker MCAULIFFE: Where would it be?

Commissioner BERGSTROM: I think it's going to be at the Base because they have even facilities there for -- they have what's called a shooting gallery -- I don't know if that's a good --

Speaker MCAULIFFE: Shooting ranges, yes.

Commissioner BERGSTROM: -- but they have places that are environmentally friendly where you can shoot firearms that's not going to contaminate the groundwater and so on.

Speaker MCAULIFFE: Yes.

Commissioner BERGSTROM: And then there's also the Fire Training Academy

that's also part of the thing.

Delegate OHMAN: I believe there are also going to be training classes at the community college.

Commissioner BERGSTROM: At the community college.

Delegate OHMAN: So it's going to be outsourced from us quite a bit.

Commissioner BERGSTROM: Right.

Delegate OHMAN: What I was taken back especially because when side-by-side with the Fire Training Academy, which I've had issues with for quite some time, and I noticed that all of the Chiefs of Police of the Cape were on board with this sending everyone there.

Commissioner BERGSTROM: Right.

Delegate OHMAN: Whereas, the Fire Training Academy -- what they do is great but there were two words that really bothered me in that meeting today and it always comes up when you say, "Well, why would we enhance and get all this money, extra money this year in the budget for the Fire Training Academy to upgrade their lessons and their faculty?" And then I think it was you that asked, "Well, what about Firemen 1 and 2, why do they always go to Stow?" Well, we all know the answer, but the firemen say the same thing, it's by contract.

The answer is why do we upgrade for a small portion of it for a lot of money and the training academy --

Commissioner BERGSTROM: The answer I got from Mr. Sampson was that every town on the Cape takes advantage of the Fire Training Academy in some way -- in some way.

Delegate OHMAN: In some way.

Commissioner BERGSTROM: But the actual training is, yes, it's by contract.

Delegate OHMAN: But this seems to be a true regional -- I love the regionalization aspect of everything we do.

Commissioner BERGSTROM: Yes.

Delegate OHMAN: And the police training seems to be on board with all 15 Chiefs of Police.

Commissioner BERGSTROM: Yes.

Delegate OHMAN: Including Barnstable that only has one Chief of Police.

Commissioner BERGSTROM: They have -- he mentioned that they have a lot of turn over. I questioned him on the turn-over because a lot of times I noticed in my own police department has turned over, a young guy will come in and he'll work a few years and decide he'd rather be in Boston where he can be involved in something a little more exciting; I don't know how it is but -- or maybe simply because he can't afford to live on the Cape, which is something that all public employees have to face. And he said, "Yes, there is a turnover so there's a need." It's not like, oh, once in a while somebody would retire, and you need to replace him; they have constant need of replacing officers who leave and go somewhere else in Massachusetts. So this facility will cover that.

It seemed like a win -- I mean, you heard the presentation; it sounded like a win-win situation. Everyone who's on board was financially viable and it was a need that we were going to -- need we were going to fill. So we will see. We will see.

Speaker MCAULIFFE: Yes, I think Peter Carnes was Chief of Police in Yarmouth and he recruited Sergeant Sean Gannon to the Yarmouth Police Department.

Commissioner BERGSTROM: Yes.

Speaker MCAULIFFE: And I think part of the cutbacks in funds over the last several years even though Peter Carnes is no longer with Yarmouth, he's a chief -- head of security at Stonehill, I think that he still has a lot of Cape connections and feels that the training on the Cape and the training in general, as you said a regional training center, is woefully inadequate.

So this became a mission out of a police sergeant's death, and could this be avoided going forward in the future? And it was sort of something always in the back of people's minds, but I think that really -- that's when I first heard Commissioner Cakounes talking about this was after Sergeant Gannon was killed last year was we need to upgrade the training.

So I will ask them if they would like to come in and present to the Assembly because I think even though it might be just a start-up thing, it might be something going forward that we do become a regional training center.

I know the town of Yarmouth has turned its conference room over in its own police building for extra training. They have become like a little mini training center just in response to trying to get officers trained to a changing world.

Commissioner BERGSTROM: Well, it's been my policy, and I know we've discussed this here in the Assembly, and you have yourself, is that when you look at the budget, rather than look at just the numbers from last year and the numbers from this year, if there are any new initiatives, anything we're doing this year that we didn't do last year, you know, that they should be highlighted and then separately looked at and separately presented.

I'm sorry I didn't mention the offset because I've got three meetings running through my head, which one was which, but, no, I agree with you. I think it is a good presentation and it is needed, and the County exists to provide regional services to towns, and this is right in the ballpark so.

Speaker MCAULIFFE: Right, and it could save money.

Commissioner BERGSTROM: Oh yes.

Speaker MCAULIFFE: And be an enterprise.

Commissioner BERGSTROM: Well, I mean, they have to pay expenses. For instance, he said there were two cadets who were driving to Randolph because that was the only place you could get in to do that kind of training, and they have to pay their expenses. They have to pay their overtime. They have to pay someone. It would be a lot easier if we had them here.

Speaker MCAULIFFE: Right. Yes, Delegate O'Hara.

Delegate O'HARA: Just to clarify on the Fire Academy, we talked about funding and I know in the last couple of meetings it's come up about the wells being contaminated, the contamination, whether that's been dealt with. There also -- we talked about the containment of the water at that location at the Fire Academy. Has that been dealt with or are we just moving forward to -- where does that stand? I have no idea where that stands.

Commissioner BERGSTROM: Well, I'm probably not the one to answer that because if people -- as far as I understand, we have an agreement with the town of Barnstable where this is an ongoing clean-up and an ongoing monitoring process. Where it is exactly right now, I couldn't tell you.

What we looked at today was the budget and what we found was that even though

the budget had increased, the amount of money we get that we bring in from -- we don't charge the towns because we've already charged the towns the assessment to be part of the County.

Delegate O'HARA: Right.

Commissioner BERGSTROM: But we charge the other organizations that use that -- I'm thinking -- what is the -- where they train sailors and stuff; what is that?

Speaker MCAULIFFE: Massachusetts Maritime.

Delegate O'MALLEY: MMA.

Commissioner BERGSTROM: Mass. Maritime, yes. They come in and they pay, and these other people pay so we're actually going to be out of our pocket paying less for the Fire Training Academy this year than we have in the past. I know that.

Delegate O'HARA: I don't -- I understand. I think it's a great idea, and I know that Jack had talked about having their marine practice putting out the fires on the ships and boats, whatever, with a mock-up unit and all of these.

Commissioner BERGSTROM: Yes.

Delegate O'HARA: And great ideas but every time that we bring this up, there's always that someone comes in and wants to challenge the contamination at the wells and the containment of the waters. And I'm all for funding and I'm all for moving forward and I want to be very supportive, but we have to address that.

Commissioner BERGSTROM: Well, I agree with you. The only reason I don't answer you specifically as to where we are in that process because I might be giving you misinformation. I don't know exactly what we --

Delegate O'HARA: Well maybe we could find out in the future.

Commissioner BERGSTROM: We can find out. We'll bring in someone, you know, Tom Cambareri is gone. I don't know who takes over for him, but we'll have someone who knows exactly -- whose onsite and knows exactly where we are.

I mean, you can see from our budget -- I mean there was a debate and John has been involved in debate and I was involved in debate about the future -- the entire future of the Fire Training Academy, the potential to move it maybe to the Base or move it to a new location. But as far as the budgetary process goes, what we're doing right now is presumed that at least for the fiscal 2020 we're going to have a Fire Training Academy.

And I can imagine that given the expense we were putting into it, we've done some capital improvements that we if, indeed, we have a move, it's probably not going to be for a little while, you know, maybe a couple years, you know, I would think. But that's something the Assembly can weigh in on, what you think.

Speaker MCAULIFFE: Right.

Commissioner BERGSTROM: You know, you'll get the budget and you can rip it to shreds if you want so.

Speaker MCAULIFFE: Thank you.

Commissioner BERGSTROM: No, but I'll get that information for you, Tom.

Delegate O'HARA: Thanks, Ron. I appreciate it.

Commissioner BERGSTROM: Okay.

Speaker MCAULIFFE: Anyone else? Thank you, very much.

Commissioner BERGSTROM: Yes, thank you.

**Summary Communications from Health & Environment Director of Cape Cod  
Regional Tobacco Control Program Robert Collett**

- **Bob Collett provided an overview of the Cape Cod Tobacco Control Program to the Assembly Delegates**
- **Bob Collett also spoke about the increase in vaping among high school age children**
- **Handout explaining the history and scope of services provided through tobacco control office was provided to the Delegates**
- **The programs are totally grant supported**

Speaker MCAULIFFE: All right. Now we do have our presentation from Health and Environment staff member Robert Collett on Tobacco Control on Cape Cod. This may seem sort of just out of the air. Last year we had a list of topics that the Administrator Jack Yunits had suggested and also people had requested. And so we took topics from those lists all year and put them on agendas so that people will be updated. And these items are some of those topics and may even be the final two topics that we've covered.

So going forward, anything that people want to cover, please let me know. But this is a -- this was an interested item from an Assembly member who wanted an update on your program. So, thank you, very much.

Mr. ROBERT COLLETT: All right. Thank you, very much. Thank you, Madam Chair. I'm Bob Collett, Director of Cape Cod Regional Tobacco Control Program. This is my first appearance before the Assembly, so I'm honored and privileged to be here today.

I have been employed by the County for 24 years as a member and director of the program, and I wanted to pass out -- we have just a brief history and, you know, scope of services for the work that we've done and that we currently do with all of the towns.

The program is a Boards of Health collaborative so all your towns on the Cape with the exception of Dennis are part of the program, and also we service Wareham and Plymouth. The program, we're under a state grant from the Department of Public Health, and we're originally funded by the Health Protection Fund which was generated by the 25-cent tax on cigarettes voted by the referendum in the 1992 presidential election. We also receive money from the CDC and support from other sources as well.

But at this point in time, the state funding is very minimal. In fact, the CDC considers Massachusetts a minimal reach program even though we are considered one of the top two programs in the United States.

So, back when we first started, our charge was to educate the public about the dangers of smoking, and also stakeholders such as Boards of Health, Select Boards, and so forth, and, of course, it was quite a contentious topic if you recall back then. And so what we did was we embarked on a mission to help local towns and cities with the development of policies that would eliminate smoking in public places and also policies that make it much more difficult for a youth to get their hands-on cigarettes.

And I'm happy to say that back then, you know, around the early 90s was the actual peak of youth use of cigarettes here in Massachusetts and including Cape Cod at around 35 percent and now it's down to about 6 percent. So the work that the local Boards of Health and the communities have done been, you know, very, very effective.

However, and now, of course, we have smoke-free workplace laws that we were the first geographic area in Massachusetts to become smoke-free when, in fact, at the time the Department of Public Health was pretty certain that we would be the last geographic area to become smoke-free because of the tourist-based economy.

And you might recall some of the comments that might have been made by some of the business that were misled by the industry saying, “Oh, we’re going to be closing all the bars and restaurants.” You know, “We’d have to take the bridges down. No one will come to Cape Cod anymore,” so it was very gratifying.

In fact, a year after the state went smoke-free in 2004, the Department of Revenue did a tax analysis of restaurants and bars and, in fact, there was a 2 percent increase in business, so it was beneficial to everybody.

And more recently the work that we've been doing includes helping local housing authorities to become smoke-free. So now that all the folks that live in those public housing authority developments are no longer exposed to secondhand smoke which, of course, has deleterious effects just as direct smoking does. And, also, even very recently dealing with the vaping epidemic which is an emergent public health crisis.

So we've received a lot of requests from local schools to speak with staff, nurses, teachers, administrators and so forth and trying to handle this vexing problem because, you know, the kids are using this stuff; they think it's harmless, it's a harmless water vapor and it's flavored. But, in fact, it may be slightly less harmful than cigarettes are but, you know, their lax of compendium of public health data regarding what the disease outcomes will be because they're so new on the market. They've only been around for about 11 years.

We do know that they cause a condition called, “Popcorn lung,” which is similar to emphysema. It causes small holes in the lungs and dustification of the lymph nodes in the lungs along with chronic bronchitis and fertility issues with women. Now they're starting to find some cancers associated with the use of these products as well. So we have been traveling around doing quite a lot of that, speaking to public health groups and nurses and schools and so forth.

The product of choice is called, "Juul," and some of you may be familiar with this. This is a Juul, right? The kids are able to use this product largely undetected, okay. It looks like a flash drive that you would put into your computer and there's a little -- and it can be charged with a computer. And what it is is it's a lithium battery that heats up a liquid that is inserted into the end of this pod. They come in many flavors; these are the pods. I'll pass these around, so you have an idea of what these look like.

Each one of those pods -- so then they just puff on it. And when the vapor is emitted or exhaled by the user, it just smells like a flowery or a fruity kind of smell and it's very faint. So the students are actually able to use this in the classroom, hallways, bathrooms, and so forth in the schools, in their bedrooms at home, and they use -- and everybody's using these.

Now it's not just the usual suspects. So you have kids that you normally would never suspect, you know, the captain of the basketball team, the choir, the football players, the swim team, the drama club; all of these kids -- the valedictorians of schools because they figure it's a low-risk behavior, they won't get caught, and it won't hurt me.

But, in fact, it's not true. These things are harmful. They are being caught with them and they're paying the consequences at school of, you know, substance abuse, which

includes the tobacco and nicotine delivery products.

Speaker MCAULIFFE: Are there any additives like nicotine or anything that would encourage people to continue to use this? I mean I remember back in the day smoking a cigarette before we knew it was bad for you, it was a cool thing to do.

Mr. ROBERT COLLETT: Right.

Speaker MCAULIFFE: So I imagine that vaping is a “cool thing” to do, but I don't know, you know, how would you get people to continue to do that if there wasn't something that was addictive or appealing?

Mr. ROBERT COLLETT: Well, it does -- it contains nicotine which is an addictive chemical.

Speaker MCAULIFFE: So there you go.

Delegate POTASH: I don't even want to touch it.

Mr. ROBERT COLLETT: You don't want to touch it. So nicotine is the most addictive substance we have out there for perhaps except for fentanyl.

Speaker MCAULIFFE: So how is this legal?

Mr. ROBERT COLLETT: That's a good question. You know, it's a naturally occurring substance in tobacco. They extract it and use it in the manufacture of these products. And these were originally introduced to the market presumably to help people quit cigarettes, and that's the way they still -- if you go onto their website, you know, it explicitly states, implicitly states, you know, these are for helping adults to quit cigarettes. We don't intend for youth to use these. And it's a playbook right out of the tobacco industry's propaganda and marketing techniques.

And so, yes, nicotine is not illegal. The FDA has the authority to manipulate the amount of nicotine in any product that is sold. And, in fact, they have come out and stated that they were going to act on that power which they gained in 2009 and, finally, they're going to start doing something about -- start reducing the amount of nicotine in cigarettes/cigars and these products because the problems associated with them and try to eradicate them from the market.

So the theory being, of course, that the less nicotine, you know, you're helping the smoker wean off of nicotine delivery products, if you will. The danger on the other side, of course, is that you could create a black market for these things and that's always the counter argument against doing that.

Speaker MCAULIFFE: But products for weaning off nicotine are, you know, generally gums and patches or medication.

Mr. ROBERT COLLETT: Yes, right.

Speaker MCAULIFFE: The weaner isn't something that you -- or the weaning device isn't something that you would elect to go and take up. You wouldn't go and start with a patch or start with a --

Mr. ROBERT COLLETT: Absolutely correct.

Speaker MCAULIFFE: I mean it makes no sense.

Mr. ROBERT COLLETT: And what's happening -- what we're finding with these products is that folks who are using these with the intent to trying to quit smoking are becoming more nicotine dependent because they're using these in places where they cannot otherwise smoke.

Speaker MCAULIFFE: Right.

Mr. ROBERT COLLETT: And then smoking on the outside where they can. So,

you know, the state law that just came into effect on January 1 hopefully will help to mitigate that to some degree because you can no longer use these anywhere where smoking is otherwise prohibited.

But still, people are using these at record rates. And the kids are using these, about 45 percent of the kids have reported that they have tried these at least and about 25 to 30 percent of them are actually using them on a regular basis which far exceeds --

Speaker MCAULIFFE: So you're right back up to your early ninety --

Mr. ROBERT COLLETT: Yes, actually, the numbers are even a little higher, and it's on an upward trend. So, you know, we have a long way to go. We're about three or four years behind the curve. The schools first noticed it because, of course, they have the kids all day with them, and then they started finding the kids were having some symptoms of nicotine toxicity and they were catching kids with these. And the kids actually thought that they were harmless and not prohibited to be used in the schools. You know, it's a tough problem. And they just think it's a harmless flavored vapor so it's okay. And, of course, you see how cool and sleek it looks so.

Speaker MCAULIFFE: Yes and talk about marketing.

Mr. ROBERT COLLETT: Right.

Speaker MCAULIFFE: Marketing to young people. Back in the early -- what was it '64 when Luther Terry, Surgeon General of the United States, came out saying, "Cigarettes are bad for you." That was the first kind of wake-up call.

Mr. ROBERT COLLETT: Right.

Speaker MCAULIFFE: And then under President Reagan, I believe, suddenly HIV was talked about at the federal government level.

It seems it's time for the federal government to step up again and say someone, you know, like in an authority position say, "This is not benign. This is not gum."

Mr. ROBERT COLLETT: True.

Speaker MCAULIFFE: This is addictive and harmful.

Mr. ROBERT COLLETT: Yes.

Speaker MCAULIFFE: So you've got your hands full, but it also seems like this is an FDA federal issue as well.

Mr. ROBERT COLLETT: The Surgeon General did recently come out with a statement and it was a very powerful one, and the FDA despite having stated about eight months ago that they weren't even going to touch these -- not address these until at least 2022 all of the sudden just decided to do something that's indicative of the magnitude of the problem. And they must have received enormous pressure from --

Speaker MCAULIFFE: Constituents.

Mr. ROBERT COLLETT: -- you know, the public across the country and all of the public health experts. Yes.

Speaker MCAULIFFE: My final question. I'm sorry to monopolize. I did graduate research on cigarette smoking behavior.

Mr. ROBERT COLLETT: Great. Yes.

Speaker MCAULIFFE: This isn't off the top of my head. This was years ago that I had studied this.

Mr. ROBERT COLLETT: Yes.

Speaker MCAULIFFE: Do you have any funding at all from the County, or are you totally grant supported?

Mr. ROBERT COLLETT: No. Totally grant supported, and we have been since day one. Our current budget is 122,000 just cut down from 139 which we were at 139 for several years. And as a result of the last cut, we had to lay off a long-time employee part-time who at one time was a full-time employee. We did have very adequate funding at one point in the early 2000s, late 90s/early 2000s.

And then under different administrations at Beacon Hill, you know, we've received many cuts over the years. And that's why -- we actually received -- the state only received less than one half of 1 percent of the money that is supposed to be dedicated to tobacco control in Massachusetts.

So we're really a bare bones budget program, but I think that we've done a very efficient and skillful job over the years in helping the local Boards of Health develop their regulations within the enforcement piece. We do one inspection of each tobacco retailer on the Cape in the retail environment and also two compliance checks meaning we go in and make sure that they're not selling to minors. Some other people call them "stings" but compliance checks to make sure that they're complying with the regulations.

And now that the local and the state law requires that, you know, age 21 be the legal sales age.

Speaker MCAULIFFE: Right.

Mr. ROBERT COLLETT: And that was for any community who had adopted that as of December 31. So we only have two left on the Cape. Now, who are not age 21 but they're at age -- their legal age now is 19 and over the next two years they will gradually catch up to everybody else.

Speaker MCAULIFFE: Delegate O'Malley.

Delegate O'MALLEY: Yeah, I'm sure you must have been long experienced with the issue that when you deal with younger people --

Mr. ROBERT COLLETT: Yes.

Delegate O'MALLEY: -- trying to persuade them that this activity of smoking cigarettes, go back to cigarettes --

Mr. ROBERT COLLETT: Yes.

Delegate O'MALLEY: -- is going to give them illness sometime way the hell down the road late in their life.

Mr. ROBERT COLLETT: Right.

Delegate O'MALLEY: I'm sure you've been frustrated at the lack of response. I mean kind of what happened with the cigarette business, as from my perception, is Number 1, it was made much harder to get, much more expensive, and it made was kind of uncool. It really was uncool to be smoking cigarettes.

Mr. ROBERT COLLETT: Right.

Delegate O'MALLEY: My question is do you think that a reported story this week of a vape pen exploding and killing a young man.

Mr. ROBERT COLLETT: Yesterday, right.

Delegate O'MALLEY: Yes. Now that's the kind of thing that kind of gets your attention.

Mr. ROBERT COLLETT: Yes.

Delegate O'MALLEY: It's like, "Oh God, that can happen."

Mr. ROBERT COLLETT: Absolutely.

Delegate O'MALLEY: Do you think maybe that might carry a little more weight?

Mr. ROBERT COLLETT: It does because as you know, Dr. O'Malley, the young people don't think of their own mortality and they don't consider that when it comes to engaging in these kinds of behaviors. And they also don't think that they're going to become addicted.

So what's happening now is I found an article for you here. I did bring some information that it just, you know, it outlines how kids -- they start using these things and are completely surprised by how quickly and completely they become addicted.

And then to go back to Madam McAuliffe's comments earlier about marketing, the tobacco industry spends 95 percent of its marketing dollars which are numbers well into the billions aimed at on our 14-year-olds.

Delegate O'MALLEY: On that -- yes.

Mr. ROBERT COLLETT: So those are the kids that are transitioning from eighth grade into ninth grade into high school; they're very vulnerable trying to establish some kind of a self-identity and what's going to make me look cooler, tougher, sexier, whatever it happens to be, and that's when they are vulnerable. So that's why the industry spends all their money directly targeted at them despite assertions to the contrary or denials to the contrary.

So this product is doing the same exact thing and, otherwise, why would they make it in the shape that they had and sell it in fruity flavors and so forth.

Delegate O'MALLEY: Yes.

Mr. ROBERT COLLETT: Up until just very recently, within the past couple of months, kids can actually go online and order this stuff and buy it. So that was the major source for them. They could take the Visa card that they got for Christmas or on their birthday and go online and order this stuff. And the age verification system was a simple, "Are you 18?" You check the box and then they mail it to you, pick it up -- a kid gets home from school at 2:30 in the afternoon, mom and dad aren't home from work until 5-5:30. They sweep it up off the front step or out of the mailbox and no one ever knows.

And, also, there are some very resourceful and enterprising 18-year-olds at the senior level in high school, which have made a lot of money off of their younger peers buying this stuff for them. But that will no longer be possible because now, with the age having been raised to 21 or 19 in a couple of the communities, you know, you won't have seniors in high school buying this stuff for kids. Eighteen-year-olds are happy to buy for 16-year-olds, but 21-year-olds certainly will not in at least 90 percent of the cases I would say.

Speaker MCAULIFFE: Delegate Ohman.

Delegate OHMAN: Thank you, Madam Speaker. Thanks for this presentation. I want to kind of follow-up. Number 1, I noted that your budget has gone down.

Mr. ROBERT COLLETT: Sure.

Delegate OHMAN: Is there any money in advertising for this thing? I think the key, even though it's an uphill battle, is education to the high schoolers.

Mr. ROBERT COLLETT: Yes. Right.

Delegate OHMAN: Show them a movie with these things blowing up in their pockets. I just saw one on TV today.

Mr. ROBERT COLLETT: Yes.

Delegate OHMAN: You know, I mean scare the hell out of them.

Mr. ROBERT COLLETT: Right.

Delegate OHMAN: But do you have any money or any available money for education and getting into the schools. I know you do a compliance test according to regulation, but its education to me.

Mr. ROBERT COLLETT: Right. We're limited by the terms of our contract to speaking to only adults about this. Our DPH contends that there's no evidence-based data that shows that adults speaking to children about this stuff actually -- it actually affecting them.

So what they favor is a peer-to-peer approach, so train youth to teach youth. But there are people that do it. There's a thoracic surgeon in Falmouth that I sit in on a group with there; Dr. Jeffrey Spillane who does go out and speak to kids and I advised him. I said, "Take the most graphic stuff you can bring and be on the level with the kids." You know, you have to tell them that they're being played by the industry with their advertising and, you know, you can extract information right from the industry documents that were garnered through the Attorneys General settlement back in 1999 when, you know, the states all sued the tobacco industry and they had to release all of their internal documents. And that's how we know that they target the 14-year-olds. We know how much money they spend on advertising. They call the 14-year-olds -- they refer to them as "replacement smokers."

So if you share that information with kids, they don't like to be fooled. They don't like to be treated like they're, you know, less than intelligent.

So and you show them the graphic stuff; they do respond to that, you know, images of popcorn lung. I have privately on a couple of occasions removed my DPH hat and gone in to speak to youth groups at special request, but we can't go into the schools and do that, you know, representing this program or DPH, only to the adults.

Delegate OHMAN: I happen to have several nephews and nieces in high school and vaping is rampant in different high schools all over the state.

Mr. ROBERT COLLETT: Everywhere, everywhere.

Delegate OHMAN: It's amazing. It's a catastrophe --

Mr. ROBERT COLLETT: Yes, it is.

Delegate OHMAN: -- that's happening right now. And you're not allowed to go into the schools?

Mr. ROBERT COLLETT: Only to speak to staff.

Delegate OHMAN: Somebody's got to do it.

Speaker MCAULIFFE: Delegate Zuern. Can you pass the microphone down, and then I'll go to you, Delegate Gallagher.

Delegate ZUERN: Thank you, Madam Speaker. I have a few questions. You said the nicotine was inside the Juuls. What about other drugs? I've heard that you can put almost anything inside those.

Mr. ROBERT COLLETT: Yes, that's very correct. These devices can be used with any substance that can be liquefied. So we're talking, you know, THC, of course, cannabis alone, heroin, crack cocaine, you name it. Go down the line, a lot of the opioids can be liquefied, and that is a particularly frightening thought thinking about what the kids could actually do in school or even out recreationally.

And if you go onto YouTube, and I recommend this to everybody I speak with, go on to YouTube if this is a topic that's interesting to you and it should be because, as I said,

it's rampant and it's your kids.

If you have kids in high school and you think that there's no way that they're using stuff, they very likely are or if you have any family members or friends. They can use any liquefiable substance in this. Thank you, Linda, for bringing that up because I do mention that usually when I go out and speak.

Delegate ZUERN: So it's not just the nicotine; they can be getting high in school during the day?

Mr. ROBERT COLLETT: Correct. Absolutely and they're doing it.

Delegate ZUERN: I have a question about the grant. I've been told that a lot of the chemicals in tobacco are also in marijuana. So are you allowed to talk about marijuana, the effects of marijuana as well or is it just limited to tobacco?

Mr. ROBERT COLLETT: It's just limited to tobacco. It's a very different topic. The legalities are very different. You know, the constitution of the smoke may have some commonalities but, generally speaking, marijuana is not manipulated in its growth the way that tobacco is. Tobacco is -- when they make cigarettes, they add thousands of chemicals, flavor additives, and agents to control the burn rate, all sorts of things.

But as far as marijuana goes, I don't know, I think they must grow it. I know they grow it in a controlled environment and that's about all I know. I don't think they add a lot, if anything, to it.

Delegate ZUERN: I don't know if they add anything, but I've been told that it has the same effects as tobacco does on your lungs and some of the same chemicals in it.

Mr. ROBERT COLLETT: Sure. When you combust a product, it probably does have a lot of the same effects on the lungs; yes, no question about that.

Delegate ZUERN: Can you do TV shows? I have a TV show that I do.

Mr. ROBERT COLLETT: I do. I have lots of them.

Delegate ZUERN: I'll have to talk to you then.

Mr. ROBERT COLLETT: You know I live in Bourne. I'm right there with you so.

Delegate ZUERN: Thanks.

Speaker MCAULIFFE: Delegate Gallagher and then I'll go over to this side. I'll take this side next time. I'm always looking left.

Delegate GALLAGHER: Thank you, Madam Speaker, and thank you, Mr. Collett. I had occasion to look into this a couple of years ago when and where vaping was allowed, and it seemed that at that time that it was up to the towns to determine whether vaping would be allowed in a restaurant situation, for example.

Mr. ROBERT COLLETT: Yes.

Delegate GALLAGHER: And it was a patchwork of different regulations at that time. I believe you just said that currently under state law vaping is prohibited wherever smoking is prohibited; is that correct?

Mr. ROBERT COLLETT: Correct, as of January 1. Yes, that was the case. So if you see it happening anywhere, then the person could be told or whoever's in charge of that.

Speaker MCAULIFFE: You don't want to be the vaping police.

Mr. ROBERT COLLETT: I don't mind.

Speaker MCAULIFFE: I know but you're right, you can point it out to someone, yes.

Delegate Chaffee.

Delegate CHAFFEE: Thank you. Bob, thank you for being here. I've been impressed with your work for many years.

Mr. ROBERT COLLETT: Thank you, Mary.

Delegate CHAFFEE: And appreciate what you do. We talked a lot about vaping, but would you also talk about youth smoking -- tobacco smoking trends on the Cape?

Mr. ROBERT COLLETT: Yes. As I mentioned at the beginning, we've been able to reduce the youth smoking rate to about 6 percent statewide, and that's the smoking rate we have here on the Cape. So it's almost extinct. You know, it really, really is.

To Dr. O'Malley's point and someone else over here said, "You know, it isn't cool anymore and the kids know." They know it's dangerous. It's due to the work and the messaging that's been done over the years regarding smoking. A lot of education that we've done not only through the program but in society, you know, education through the schools, through the local towns and Boards of Health, and advertising programs "Campaign for Tobacco-Free Kids; The Truth Initiative" all these other organizations, we've been able to get that almost eliminated, you know, 6 percent is just marginal.

And you'll never be able to eliminate it completely until we can just pull them all off the market, right? So, hopefully, with some action by the FDA that might be forthcoming in terms of reducing the level of nicotine in these parts we can someday get there, but we've got to get a handle on this now.

Speaker MCAULIFFE: Delegate Potash.

Delegate POTASH: Thank you. Thank you, sir. With regard to these gadgets that you brought --

Mr. ROBERT COLLETT: Yes.

Delegate POTASH: -- if there's other -- well, my question is this; can the schools take it from the children or from the students?

Mr. ROBERT COLLETT: They do.

Delegate POTASH: And then what happens to the gadgets when they're confiscated? Do they get tested for whatever substances are in it because there's crimes that could be charged and that could be a detriment?

Mr. ROBERT COLLETT: This is true. Some of the schools are giving them to the police to test them for THC and other substances. They do hold them and incredibly sometimes the parents come back and demand that they be returned.

One of the really unfortunate facts about these is that parents still buy this stuff for kids, you know. I've been eyewitness to it during the course of my work when performing inspections in the stores. It happened to me a couple times, once in Harwich and once here in Hyannis where you see in both cases it was a woman probably in her 40s come in and bought four of them. Well you don't buy four of these for yourself, you know. So she had a car full of kids outside, I'm sure, you know, probably for one of her kids and their friends. That's a cool mom, right?

So parents need education on this too. So I strongly encourage the school personnel that I speak with to constantly educate parents about this stuff too because they just don't know. They're under that same impression that these things somehow -- they are, yeah.

Speaker MCAULIFFE: Delegate O'Hara. Just grab a microphone, sorry. Do you want this one? Will that one reach?

Delegate O'HARA: It does.

Mr. ROBERT COLLETT: Yes, the schools -- so just to finish the answer, to complete that answer, the schools do confiscate. They usually hold on to them and after a period of time dispose of them.

We do ask sometimes, we ask, "Hey, if you have extra stuff, we'll take it because it's expensive to go out and buy this stuff." You know, we don't have petty cash to buy things like this. So a lot of the school administrators have been happy to share their contraband with us for educational purposes.

Delegate O'HARA: Mine pretty much is a follow-up to this. I had this discussion recently with high school students and junior high school students and they seem to say that there's no repercussions for anybody smoking in the bathrooms. There are no punishments whatsoever. They just let the students go.

Mr. ROBERT COLLETT: Yes.

Delegate O'HARA: Do you know that the administration is enforcing the "No use of these devices in the schools" and are there punitive actions, some punishment somewhat?

Mr. ROBERT COLLETT: Oh, absolutely. I've worked with Mashpee on this very issue, spoke to the whole -- both the high school and middle school staff complete, you know, over a hundred people. There are punitive actions.

So the problem is they can't catch them. So they'll go into the bathroom, there might be five or six boys, let's say, hanging around the boys' room, one kid has this and they're sharing it. So that's another public health concern, they're all sharing it. They might all pitch in five or ten bucks and then that's their thing. So they go -- and they don't call it the bathroom anymore; they call it the "Juuling Room."

Delegate O'MALLEY: The Juuling Room.

Mr. ROBERT COLLETT: Yes, and so they go in and then whoever is caught with it -- it's kind of like musical chairs, right -- if you're caught with it, you're the one that gets punished and the rest of them are off the hook because they don't have anything on them.

So they are. A lot of the schools suspend, you know. Martha's Vineyard has perhaps the most innovative approach to date that I've heard of, and that is they do suspend but they also have a recovery coach knowing that, it takes about -- only about two weeks and you become addicted to nicotine. So kids using this are quickly becoming hooked, and the Vineyard does a whole thing where they have to go after school for three days a week after school for several weeks, meet with a recovery coach, and just get some intensive education from that person and some counseling to help them get over their nicotine addiction, and then they have those kids mentoring other kids, the ones that will do it, you know.

Delegate O'HARA: Okay. Thanks.

Speaker MCAULIFFE: Delegate Killion and then McCutcheon.

Delegate KILLION: Thank you, Madam Speaker. Could you just speak very briefly about your data collection; is it something that you do, or you rely on another entity to do?

Mr. ROBERT COLLETT: No. I rely on the Centers for Disease Control -- DPH. DPH is very, very careful and discrete about the way that they vet their data that gets released and it often is several months behind because of the process there. So they make

sure that everything is absolutely accurate and on point. So it also has to be vetted by Centers for Disease Control usually before we get our hands on it. So it comes from those sources.

Delegate KILLION: And those sources provide you with data specific for the Barnstable County?

Mr. ROBERT COLLETT: No, well, they can break it down. So we have it town by town actually if anybody's interested in that we can. We don't have vaping data town by town, but we do have tobacco use information and all of the public health topics related to tobacco use, again, except vaping because it's such a new thing.

Delegate KILLION: So that will be coming eventually when they test for it?

Mr. ROBERT COLLETT: Yes, they have a wonderful staff of folks up there who put together statistics and data and analyze all of that. Again, then that goes through the vetting process at the state level, which is rather intense.

Delegate KILLION: Thank you.

Speaker MCAULIFFE: Delegate McCutcheon.

Delegate MCCUTCHEON: Yes, thank you. It's really an eye opener to hear this discussion, and I really thank you for being here. I'm going to, however, question some of the tactics that are used here because, for example, Joe Camel was an extremely successful advertising campaign that turned a lot of kids into smokers by offering them the cool jacket and the hat and if you just certify that you're 18 years old, you get the sample cigarettes and you're cool; you're very cool. And you can wear that jacket to school, everybody knows what Joe Camel wears.

When children get arrested and punished with criminalization of their behavior, I find that they don't tend to learn as much about why that behavior is not good for them.

Mr. ROBERT COLLETT: Yes.

Delegate MCCUTCHEON: And why they ought to not do it, and that can sometimes, I think, create the wrong kind of atmosphere for -- I'm particularly concerned about bringing criminal charges against a child who's been searched in school and without a consent from the parents.

Mr. ROBERT COLLETT: Yes. It's not something that we advocate for. It's just -- and there aren't kids being arrested for using vaping pens, you know, electronic cigarettes. They're being confiscated -- the items are because they're not allowed in school.

Delegate MCCUTCHEON: I don't worry about that.

Mr. ROBERT COLLETT: And then if the schools are sending them on to law enforcement just to make sure there aren't any of illegal substances contained within, that's their thing. I don't advocate for them, and certainly even suspensions to me are a little bit -- because the kid's going to sit at home and vape while they're home, right? Mom and dad are at work. They're not in school, so they're not learning but they're going to vape.

But, you know, that's what the schools have in place, and they're trying to do some more innovative things to help the kids not only realize the negative consequences associated with using these products but also to help them recover and hopefully not repeat the behavior again.

Delegate MCCUTCHEON: Well, just to follow up on that.

Mr. ROBERT COLLETT: Sure.

Delegate MCCUTCHEON: I think that one of the things that has really deterred a lot of drunk driving is making people sit and look at the films of people being released from cars --

Mr. ROBERT COLLETT: Yes.

Delegate MCCUTCHEON: -- and taken out with the Jaws of Life. That kind of - - that's a wake-up call, and I think that's what you're trying to do with these children rather than criminalize their behavior so.

Mr. ROBERT COLLETT: True.

Delegate MCCUTCHEON: That's my concern.

Mr. ROBERT COLLETT: And, again, teaching them, I think, that they're being tricked, you know. They're being played to use their vernacular in the situation.

Delegate MCCUTCHEON: That's right and that may be more effective, I think, at times.

Speaker MCAULIFFE: Yes. Play to their intellect, yes.

Mr. ROBERT COLLETT: Yes.

Speaker MCAULIFFE: Okay.

Delegate ZUERN: I have another question.

Speaker MCAULIFFE: Okay. We have another topic, so I want --

Delegate ZUERN: Just one more quick question. I saw a couple of people using or vaping in a store; are you saying that that's illegal to do?

Mr. ROBERT COLLETT: It is.

Delegate ZUERN: Because it's a public place, right?

Mr. ROBERT COLLETT: Yes.

Speaker MCAULIFFE: So as of January 1 you can report them to the store and ask them to --

Delegate ZUERN: Good.

Speaker MCAULIFFE: -- which is good. I wanted to, on behalf of the Assembly, thank you. Even though it's not technically a County budget item, I think all of us have connections to our towns and in some tangential ways sometimes by just whether it's for health and we are encouraging people to put vaping on a substance abuse kind of advertising campaign.

We have connections in all our communities. This has been, I think, a personal excellent education for us, but it also, to me, really speaks to how much the County can offer because in a regional coordinated effort you impact every town in a significant way. And I think that that's something that gives the Assembly a lot of encouragement and a lot of fortitude for promoting County services and regionalization. And I think you've done a terrific job representing your particular area and showing the differences that it has made and made us even more aware of something that -- even though we don't -- we don't parse out your money --

Mr. ROBERT COLLETT: Right.

Speaker MCAULIFFE: -- we certainly have benefited from your presentation. Thank you, very much.

Mr. ROBERT COLLETT: Thank you, Madam Chair. It's been a pleasure. I do have lots of other information here if folks would like. If I can leave it on the back table, please, and I'll separate it out according to what I have. And I'm happy to come back at any time and update everyone.

Speaker MCAULIFFE: Well you never know what this is going to network to.

Mr. ROBERT COLLETT: Sure.

Speaker MCAULIFFE: Thank you, so much.

Mr. ROBERT COLLETT: Yes, if anybody has any further questions that pop up, feel free to give me a call at the office. I'll leave my cards up here and I'll speak to you another time. Thank you.

Speaker MCAULIFFE: Thank you.

Delegate MCCUTCHEON: Thank you.

**Summary Communications from Cooperative Extension Waste Reduction Coordinator Kari Parcell regarding Waste Management Reduction and Recycling on Cape Cod**

- **Various recycling programs used by Cape towns were explained to the Delegates and the changes in costs over recent years**
- **Handout list of Recycling Dividend Programs provided to Cape towns for past 2018 and 2019**
- **Funding source for programs comes from Mass DEP and county**

Speaker MCAULIFFE: The next item on the agenda is a presentation from the Cooperative Extension staff. This is Kari Parcell regarding waste management reduction and recycling on Cape Cod. Welcome.

Ms. KARI PARCELL: Thank you. Good evening. Thank you, all, for inviting me here. Mary. I've had the pleasure of meeting Mary at Brewster meetings, so nice to see you.

Delegate CHAFFEE: Nice to see you.

Ms. KARI PARCELL: Again, thank you, so much, for having me this evening. I'm the Waste Reduction Coordinator for the Cape Cod Cooperative Extension Department. I have been here for a few short days of almost two years, so it's exciting. Time has moved by very quickly.

I had sent to Janice sort of a spreadsheet of what type of funds your towns have received over the last couple years during my tenure here. So I kind of wanted to talk a little bit about what I call the "State of the Cape," so the recycling markets themselves, what happened after the National Sword, as many of you are familiar with that term, and sort of how the Cape towns have dealt with, you know, the higher cost of recycling, the bottlenecks within the ports, and our Material Recovery Facilities, which we call "MRFs," and how DEP has addressed some of the challenges as well.

So I get to wear two hats. My funding comes mostly from the Department of Environmental Protection, and then I am also an employee of the County, which is very exciting for me; I'm very happy to be here.

So, the state of the Cape right now is the National Sword, for those of you who may not know or have heard that term, back in March of 2017, China had closed regulations and started actually inspecting the cargo containers that were coming to port, and they were finding that many of those containers were full of trash rather than recyclables. And so they were considered illegal shipments that were coming in from not only the United States but really globally.

This sort of stemmed back from 2015 when they put up the Green Fence. That

was also sort of an empty promise or threat, I should say, that China had given the world. Nothing happened so we continued to send them our trash. China takes about 80 percent of all of our recycling from, you know, the developed world as a part of their economy. And so in 2017, they had really just sort of put it down; they call it the “National Sword.”

As a result of that, there were stricter inspections at the ports, and so that bottleneck slowed everything down, and then what it did was it trickled down to trash haulers, Material Recovery Facilities which process and bale those recyclables out to port in China and other countries that receive our recycling. And then the haulers couldn't get rid of it because the MRFs were backed up, and then the municipalities were backed up, and then the residents weren't being able to get rid of it. So it was really a very stronghold that happened to us in a very short period of time.

The other affect was that the cost increased significantly. One of the greatest examples is actually the town of Barnstable; Barnstable used to have a contract with one of our third-party vendors for trash, and their contract expired right after the National Sword. So they went from paying zero dollars a ton for single-stream recycling -- for those of you who may not know what single stream means, it means that all of your recycling goes into a single container to be compacted at the drop-off facility. So your paper, your tin, your glass, your cardboard, your plastics one through seven go into the same container. It's compacted and then shipped off by that third-party vendor to that sorting facility to be processed, baled, and shipped out.

So they went from zero dollars a ton to 110 basically overnight. So when you think about set budgets for a municipality that really, really hurt the town of Barnstable. The way that they're responding to it is sort of a little bit more -- it's a trend that I think we're going to see through other county towns, maybe even other municipalities throughout the state and the islands. But really what they did was they looked at sort of separation and sort of -- I hate the term “going back” but that's what they did because they're now instead of taking everything into one compactor where it's \$110 a ton, they're source separating where some of the materials actually have a rebate value.

So newspaper, for example, if it's a clean stream of newspaper only, you're looking at about \$70 a ton rebate back to the town, rather than paying that 110 by putting it all into one compactor. Other towns are looking at newspaper, like the Town of Yarmouth, the Town of Mashpee. DEP responded to this with the Recycling IQ Kit; IQ stands for “Increased Quality” of your recyclables, so it's a big blast campaign that the municipalities can adopt, get grant money for, and then they can use that to train their residents how to recycle correctly, what belongs in the bin.

We used to have this sort of, you know, “When in doubt, put it in the bin and someone else will sort it out.” Well, we're not doing that anymore. We're sort of saying, “When in doubt, just go ahead and throw it out.” We like to call the heavy bins with lots of things in it that don't belong wish-cycling; so, you know, we wish it was recyclable but it's really not. So we have to think back to basics with our recycling.

So the other campaign that DEP launched was called “RecycleSmartMA.org” and it's, again, it's a website. It's all based on social media and you can go in and there's a recycling widget. There are about 400 items on there and you can punch that in, a picture comes up, and it will tell you what to do with it.

So, for example, a textile or a piece of clothing doesn't belong in your recycling bin. There's a reason why. But there are bins throughout our communities and at our

drop-off centers that collect textiles. And in some instances, the textile vendors will pay the town per ton for those textiles, and it just depends on the vendor and what they're doing and what that tonnage rate would be back to the communities.

So those are kind of the things that we work on. That's sort of what happened over the last couple of years. Those are a couple of ways that DEP sort of dealt with those challenges.

Another challenge was that our one and only glass processing facility in the state closed down. So they went and looked at another vendor in New Hampshire that has been using processed glass aggregate for about 30 years. It's used as a road-based construction fill. You can use it for building and highway projects. So I approached the Town of Dennis. They were awarded a MassDEP grant to build the infrastructure to process glass aggregate. So any town that was already currently source-separating their glass can tip it in the Town of Dennis. It's stockpiled and then it's processed into a construction aggregate and then it can be used in those local highway projects.

So those are kind of just the different things in the big like, whoa, what are we going to do? The state did give a few waivers meaning that some of the municipalities and private haulers in some of the sorting facilities were able to unfortunately landfill some of the recycling. A lot of the issue was contamination which we hear a lot.

So once something is recyclable, you can turn it into a nonrecyclable by contaminating it too much. So, for example, a pizza box with the pizza still in there because for whatever reason people throw their pizza box with the pizza still there into the recycling bin. That actually contaminates that stream. Other things like tangles so Christmas lights, coat hangers, textiles because of the way that we recycle and process in the state is through the sorting facilities that have conveyor belts and optics and human hands and blowers. So anything like plastic bags, clothing, Christmas lights, anything you wouldn't want to run over with your lawnmower basically is what we call a contaminator as well as food waste which is a yuck in the industry, you know, hard books, things like that.

So our basic recycling goes to these sorting facilities, but there are items like textiles that are recyclable, plastic bags are recyclable; they just don't belong in our bins. So that's really what the blast campaign is doing is trying to reeducate people to really think about what they're doing.

So with sort of those things, I also work under the Sustainable Material Recovery Program, which is a SMRP Grant. There are nine categories in there to include things like mattress recycling, equipment for drop-off and curbside recycling; there's a school-assistance recycling program. I've been in about seven schools this past year. There's the Green Team that also comes out of MassDEP that helps schools with free recycling bins and free compost education, worm composting, things like that. So it's kind of exciting and fun for the students. So I'll present there and work on grants. I had a couple of schools that want to change from plastic silverware; so our plastic silverware is not recyclable so that belongs in the trash. So if you think of all those pieces of utensils going through the schools every single day.

I just got word from the Town of Sandwich that they're doing a "Tray-less Tuesday," which saves about 1,400 trays a week and those are Styrofoam, which are also nonrecyclable. So they're contributing to that trash/waste stream by using them, but they're doing what they can to eliminate that. And they're looking at grant funds to replace those Styrofoam trays with reusable trays and looking at those grant funds to

purchase commercial dishwashers as well as stipend a staff to help assist clean those during the lunch hours and when the students are eating.

So those are kind of the other grants that they work on. There's an open-ended grant, so we did the latex recycling that we had began last year. So latex paint is 100 percent recyclable unless it is frozen, has too much debris in it, its skinned clumped, but you can actually recycle it 100 percent. So we partnered with a third-party vendor. We have collections and takebacks of our latex paint. We did them in tandem with the hazardous waste events. This next year we're going to do it on standalone only for latex paint because what one of the learning takeaways from that is is that people tend to bring cleaner product when they're not going to a trash event, a hazardous waste. So that was kind of the lesson learned.

But about 60,000 pounds of latex paint was diverted from that waste stream because we used to dry it out/throw it out. So now we can collect it, reuse it. The Town of Orleans -- I saw Orleans somewhere I thought.

They're building their DPW and they actually bought most of the paint that was recycled off of Cape to paint their building. So it's very exciting in that way.

Underneath the SMRP grant, which is the umbrella grant, is called the "Recycling Dividends Program." I supplied sort of an information spreadsheet with what each town's kind of doing. I apologize because I underestimated what the towns have received, which is exciting; at least I didn't overestimate, but we, so far over the last two years, and we're in the third year of the grant cycle under my direction is we received about \$1.16 million in RDP and SMRP funding. One of the biggest grants was a \$450 allocation to the Town of Yarmouth for the anaerobic digester that they're looking for a feasibility study. They put out an RFP.

Genesis Industrial, I believe, won that RFP so they're still working on how they're going to digest using wastewater sludge as well as food waste. They're looking at doing it in two separate ways because they are two different streams at the end, and both can create energy during the process of anaerobic digestion.

Anaerobic digestion, for those of you who may not know, just means that there's no oxygen going through the way like a traditional open window of composting for food waste would go.

Other things that I've done sort of just educating the public by way of talking with NPR, Cape Cod Times, speaking with folks here, working with the Solid Waste Recycling Committees, I've been in the schools. Breaking through to schools, you know, town-specific recycling presentations because, as we know, every town likes to do things their own way, which is totally fine. We've been working on the universal signage meaning that through the Recycling IQ Kit there's this great presentation for signs where they're the same color, the same images, and they can be -- you can pull the PDF and send it to your print company and redesign them to fit your systems. So you can have the pictures of everything in a color form. You can have newspaper and OCC cardboard. You can have glass; plastics one through seven. You can do it for mattresses or propane tanks, fire extinguishers, bulky items, white goods like appliances that have Freon and other chemicals in there.

So it's good. Everything is going awesome, and we're looking forward to another grant season that opens up in April. I hope that every town working and sitting with every single municipality and ensuring that their checklists are there, and they'll get money and

they'll be able to expand their recycling programs and continue to improve and lower costs and take care of the issue.

Speaker MCAULIFFE: Is all your revenue grant-driven? Are there any expenses to the County that are not covered by grants by your area?

Ms. KARI PARCELL: Through my program?

Speaker MCAULIFFE: Yes.

Ms. KARI PARCELL: My salary is supplemented by the County.

Speaker MCAULIFFE: Okay.

Ms. KARI PARCELL: But all of the funds that go towards recycling are from MassDEP.

Speaker MCAULIFFE: Okay.

Ms. KARI PARCELL: Yes.

Speaker MCAULIFFE: Just because our main concern is always the, kind of, the financial approval so it helps us to, you know, know where exactly you fit in and how you fit in in terms of the financial picture.

Ms. KARI PARCELL: Yes, I bring the pot of gold from the state.

Speaker MCAULIFFE: Hopefully no strings.

Ms. KARI PARCELL: Well, they have to be eligible but it's not that hard so.

Speaker MCAULIFFE: Okay. I'll start over here this time. Any questions?

Yes, Delegate Princi.

Delegate PRINCI: Thanks.

Speaker MCAULIFFE: Sorry. These are temporary.

Delegate PRINCI: Kari, thanks for being here today.

Ms. KARI PARCELL: Absolutely. Thank you for having me.

Delegate PRINCI: Thanks for mentioning Barnstable because last year when that price increased I'd say upwards around \$240 for a dump sticker.

Ms. KARI PARCELL: Correct.

Delegate PRINCI: Sorry.

Delegate OHMAN: Transfer Station.

Delegate PRINCI: A transfer station sticker, people were calling me off the hook like as if I have any say in the matter, which I don't. But one thing I did mention was the recycling and so forth.

And then the next questions were, well, now we have to spend almost an hour at the transfer station going to this bin and that bin and that bin. And you can only imagine the size of Barnstable, Barnstable's a big town, so our transfer station is big, and it's just, you know, so I've been -- every time I go, I try to watch and see whether or not people are recycling. I never would say anything but I'm just trying to keep tabs on things and people aren't recycling. It's not happening.

They're throwing out the recyclables with the regular trash. I see a lot of seniors that might find it a little bit too cumbersome. I mean if I was in my 90s, the last thing I want -- would want to be doing would be going from bin to bin and risking an injury by getting rid of my waste.

Are there any ways that or any solutions that can make the recycling process easier for people? Are there any mechanisms -- you mentioned those sorters and so forth earlier, but are there any mechanisms that towns could put in place similar to those sorters so it could just be a dump your -- what do you call it; yuck --

Ms. KARI PARCELL: Yes.

Delegate PRINCI: -- dump your yuck in the trash bins when you first pull in, and then when you get up to the recycling, dump your recycling.

Ms. KARI PARCELL: Right. So the Town of Barnstable actually kept one single stream compactor and its right in front of where the accessibility parking spot is. Not to say that the residents aren't taking over that space to utilize that rather than walking up and down.

Delegate PRINCI: I didn't even see that.

Ms. KARI PARCELL: But they are keeping that to address that issue for elderly folks --

Delegate PRINCI: Okay. Good.

Ms. KARI PARCELL: -- or people who have a physical disability where they cannot access or go up and down.

Other options which are more expensive for residents is that you have a private hauler that comes and collects your recycling curbside, which would mean that they place it in one bin. I mean they have to get it to the edge of the curb and back to some degree, but that would be another option for folks.

The Town of Barnstable has -- it looks like they, I believe, so the Town of Barnstable, I think, has around 50,000 residents but there's only about 10,000 that actually use the transfer station.

But if you think about a private hauler and spending about a thousand dollars a year for recycling and trash pickup at the curb versus \$250 with a subsidized income allocation and a free recycling sticker, you're really looking at a huge savings. It's about a quarter of the cost to actually use the transfer station for a resident.

Delegate PRINCI: Thank you.

Ms. KARI PARCELL: You're welcome.

Speaker MCAULIFFE: Yes, Delegate Zuern.

Delegate ZUERN: Thank you, Madam Speaker. I have a couple of questions. The first one is on the chart it said that -- this says that Bourne and Falmouth were not eligible for funds in 2018; could you just tell me why that was?

Ms. KARI PARCELL: Yes, so that was -- for 2018, so it was fiscal year '18, year 2017, and the reason why is the way that our checklist for Recycling Dividends Program, it used to be separated by municipalities that were considered curbside or municipalities that were considered drop-off.

Now the Town of --

Delegate ZUERN: Bourne.

Ms. KARI PARCELL: -- Bourne -- the Town of Bourne, because they have the municipal curbside program, had to look at the way that they operated curbside. Yes, they do have a transfer station that allows commercial haulers in as well as they accept bulky items, white goods, basic recycling, leaf and yard waste that sort of thing.

But because they were considered curbside, the way that the checklist was divided was that they couldn't meet the minimum number of points in that system.

Delegate ZUERN: Oh okay.

Ms. KARI PARCELL: So it wasn't that the Town of Bourne wasn't doing something incredible as far as the transfer station and the ISWM itself, it was that they couldn't quite match.

So what Phil and I did was in 2019 or year 2018 is him and I sat down, and we found the low hanging fruit to just get them in and that's how we worked that out.

The Town of Falmouth was the same way because Falmouth's trash goes to the Bourne landfill and it's picked up by a third-party vendor, Republic. At the present moment, you're contracted with them until about 2023, and so they had to look at their program curbside as well even though the Town of Falmouth had that waste management facility where other items such as bulky leaf and yard waste and stuff could go there. But since it wasn't quite collected at the curb, they couldn't count that as a municipal program.

Delegate ZUERN: Okay.

Ms. KARI PARCELL: Now the checklist has been combined so I anticipate towns with both municipal pickup at the curb and drop-off, which would be the Town of Bourne, the Town of Falmouth, and the Town of Provincetown will see an increase in points and each point is valued based on the number of trash households served. So I mentioned Barnstable has about 50,000 residents but maybe 10,000 use the transfer station. So their number on the back of this recycling checklist here shows trash households served, the value at each point, and the minimum amount you can win -- no win or be awarded, and then the maximum amount based on that point.

So that's what happened with Bourne and Falmouth last year or the previous year but last year I had sat with both towns and we really just found the low-hanging fruit within the checklist. Now this is going to make it a lot easier for drop-off and curbside communities to earn this money to expand on their programs.

Delegate ZUERN: Okay. My other question is is Barnstable -- the complex here, are we doing all we can to recycle out of every single office that we have?

Ms. KARI PARCELL: The County does pretty well actually. I mean part of the grant program, and since I'm part of a DEP grant program because you receive funds from DEP for my position, is that you have to have recycling in place at all municipal buildings and that would include County buildings. So we do a nice job. I see Facilities come in and take everything and they load it up separately. Every once in a while, I'll sort of shame my colleagues at the Farm House, "There's a log in here." But I would say overall the County does a really nice job.

The Cape, in general, has some of the cleanest streams that they see throughout the state and that is primarily because we are all drop-off facilities for the most part so we have that staff to interface with the residents that come into the transfer stations to remind them and educate them on why we really shouldn't be putting our plastic bags in with the plastics at the recycling center. So we have that luxury. So we have some of the cleanest recycling that leaves the state.

Delegate ZUERN: Thank you.

Ms. KARI PARCELL: You're welcome.

Speaker MCAULIFFE: Delegate Chaffee.

Delegate CHAFFEE: Thank you. Kari, thank you for a really informative, fast-paced --

Ms. KARI PARCELL: Sorry.

Speaker MCAULIFFE: Numbers generated.

Delegate CHAFFEE: -- you know, very, very valuable, not just for us to hear it, but for citizens of Barnstable County. In light of the Delegate from Barnstable's question about recycling and escalating costs, I have to give Pay-As-You-Throw a plug. As you

know, Brewster is one of only three Cape towns --

Ms. KARI PARCELL: Yes.

Delegate CHAFFEE: -- that has adopted Pay-As-You-Throw and we did it about six years ago when we were faced with a tipping fee that was about to send us into a financial crisis, so we were pressured to do it.

We did it; it improved our recycling numbers dramatically. It has saved us money. It has stimulated recycling, and the County provided us with exceptional guidance to get us to the point that we could implement the program, I think in about 15 months. Thank you.

Ms. KARI PARCELL: You can thank Dave Quinn for that one.

Delegate CHAFFEE: Yes.

Speaker MCAULIFFE: Delegate O'Malley.

Delegate O'MALLEY: Again, I'm going to echo, a terrific, really good presentation.

Ms. KARI PARCELL: Thank you.

Delegate O'MALLEY: You raise an interesting difficulty and that is compliance. And I want to go back to an experience of my own back in the early 90s. I chaired the Board of Health in Provincetown at the time when we were trying to implement recycling. It hadn't been happening, and we were struggling with people throwing stuff away in the woods, by the ponds, et cetera. And the attitude we took is if there's no legitimate place to get rid of this stuff, people are going to dump it, couches and mattresses and stuff. And so our strategy was making disposal options available and educate.

Ms. KARI PARCELL: Yes.

Delegate O'MALLEY: Now, back in those days, we educated towards separated stream recycling and we had incredible compliance.

Ms. KARI PARCELL: Yes.

Delegate O'MALLEY: So I feel like we've really gone backwards doing the single stream. But my point is none the less this one; I think education is the single critical piece. A person has stuff that they want to get rid of; they don't know quite where it goes. And I just wonder if the County could be helpful in providing sort of standardized pamphlets and brochures, whatever, to the towns so that everybody knows here's what you do with Mercury, here's what you do with fluorescents, with paint, with that and that, everything.

Ms. KARI PARCELL: Yes. So we do work very hard at the Extension Office. I mean Calliope is pretty incredible with the hazardous waste and the brochures.

Delegate O'MALLEY: Yes.

Ms. KARI PARCELL: I work very closely with the departments and the town websites to get that information out there so that people can find it through, you know, various -- my funding source is literally just the DEP. I know that brochures and things like that for hazardous waste; Phil with the grant for the latex paint has done an incredible job sending the message out to folks that you can recycle the latex paint.

Users of the transfer stations when they're getting rid of mattresses and disposing of those types of items, it's really, really invaluable for them to stop at the gate house and have that interface, like, you know, "Hey, what happens to this mattress after I bring it to the transfer station?" Well, the town --

Delegate O'MALLEY: That is where the education is happening though. It's

happening personally at the gatehouse.

Ms. KARI PARCELL: It is. And, you know, we work very hard to get it on to the town websites, and I know a lot of towns will put out monthly news articles in their local papers.

The Town of Yarmouth with Roby Whitehouse has been incredible to have quarterly presentations on how the town does it. I've been working with them to really sort of look -- again, I don't want to change your operations of how your transfer station works, and I don't want to tell the Department of Public Works how to universally do something, but I think by having universal signage that folks can recognize even at a seasonal level and a visitor level by unifying with "Recycle Smart MA" to tell people what actually belongs in the bin and to educate them.

I think one of the biggest problems that I have encountered with education is it's not enough to say that you can't do it because, but they need to sort of know why. And it really is -- it's a human public safety issue and it's a worker safety issue when you have shredded paper, plastic bags, textiles, Christmas lights that are being tipped onto the tipping floor going into these sorting facilities that in some instances the infrastructure is somewhat antiquated; you have human hands pulling it out and if it gets stuck in the machinery, it stops, it stockpiles, it's costly, and a human person has to go up there and remove whatever is tangling or, you know, clogging up those systems.

And so I think when you give them that sort of humanistic value to why we're not supposed to do it versus like you're just not supposed to put plastic bags in the recycling because, it sort of helps but the issue is is that not nearly enough folks know how the state processes recycling to that degree, and I think that's where we need to stretch that education campaign. In a way is it's not "Because I told you so," it's because there's a real reason why, if that makes sense.

Speaker MCAULIFFE: Delegate Ohman.

Delegate OHMAN: Kari, thank you for your hard work and Calliope too and David Quinn and his regime back in the day did great things with the Town of Dennis.

I echo my friend and colleague from Brewster; Pay-As-You-Throw, and don't let it go to Town Meeting. Grow a pair and put it online right away. That's what you have to do. That's what makes people recycle. It's unfortunate but that's what will happen. Universal signage.

Ms. KARI PARCELL: Yes.

Delegate OHMAN: Is there a way like why we can't have 4 by 8-foot signs right there saying "Don't throw a book," you know, book cross, you know. Why don't you have a "Yes," what do you do with orange juice boxes and milk boxes and things like that.

Ms. KARI PARCELL: Right.

Delegate OHMAN: There are things you have to tell people, but visuals really work and if you would produce it so that the towns could put a board of there and say "Yes. No. Yes. No."

I think that's -- I'm kind of a recycle nazi from Dennis, and I'll pull bottles out of the cardboard bin, you know. It's crazy. But we do a really good job there as I'm sure you know.

Ms. KARI PARCELL: Yes.

Delegate OHMAN: So universal signage, I want you to keep working on that because I just think that's the way visual learning is good for all ages.

Ms. KARI PARCELL: I will tell you I think the Town of Dennis will be adopting it really soon.

Delegate OHMAN: Yes.

Ms. KARI PARCELL: The recycling committee did bring in their intern to meet with me the other day.

Delegate OHMAN: Right.

Ms. KARI PARCELL: She's working on that specifically. Dave Johansen is extremely progressive and open as well as Chad.

Delegate OHMAN: And Chad.

Ms. KARI PARCELL: So I foresee -- Wellfleet has printed it, the Town of Chatham, the Town of Yarmouth. I've seen it in Barnstable; I've seen it in Truro. So, pretty soon, I believe all 15 towns -- they can spend their recycling dividends money up to \$2,000 a year on signage as well as apply for a grant to help pay for that. So there's ways to do it without spending town money.

Delegate OHMAN: And, lastly, on the glass aggregate program; I just think that we, as an Assembly, should understand what is going on. They gave us 125 grand and Dennis got the grant, but every town gets to participate. So instead of trying to get new glass to go out at 110 --

Ms. KARI PARCELL: Of glass, the highest I saw was at 162 a ton and right now it averages 80 but it has to go to Raynham and that's 80 per ton.

Delegate OHMAN: And by color too, it's more recyclable to have clear glass.

Ms. KARI PARCELL: Glass basically has zero market right now.

Delegate OHMAN: Right now.

Ms. KARI PARCELL: Yes.

Delegate OHMAN: But this glass aggregate program, any town can bring in by the ton to Dennis, have it ground up again, but they must accept it back again and use it in their town for aggregate. So we're not just doing you a favor of taking all your glass, what we're doing is doing you a favor by making it usable for your walkways, roadways, and basketball courts. It doesn't matter what it is but it's a brilliant program. Thank you for doing that with the town.

Ms. KARI PARCELL: Oh yes; you're absolutely welcome.

Delegate OHMAN: Unfortunately, in Dennis, they haven't given you any credit yet because I haven't yelled at them.

But no, like I said it's another county program that is just amazing that is going to be done and it will help every town ameliorate those costs, and thank you, again, for that.

Ms. KARI PARCELL: Oh, you're very welcome.

Speaker MCAULIFFE: I think you're right; in Yarmouth, it's been a full-court press. It's been numerous meetings, pamphlets, signage, and they did it very smartly. They had a big recycling side and they gradually -- and I'm at the transfer station every week -- they gradually, with universal signs, moved things.

Ms. KARI PARCELL: Yes.

Speaker MCAULIFFE: Okay. You can put here but you can't put here, so it was almost every week or two there was a slight change. So here I am now, knowing that there's one bin for this, one bin for this, and its blue signs up on the -- and they do have the things crossed out.

Delegate OHMAN: Yes.

Speaker MCAULIFFE: Don't put in this; don't put in that, and they sort of educated you step by step if you were there on a regular basis. So it was almost painless in terms of well now I know where I'm supposed to go. It's not where I used to go in terms of --

Ms. KARI PARCELL: Right.

Speaker MCAULIFFE: -- I can throw things here and throw things there, but it's also a lot purer, you know.

Ms. KARI PARCELL: It is, yes.

Speaker MCAULIFFE: You have things that you can no longer comingle. The cardboard has to be flattened; it never used to have to be. So it's been an interesting -- as someone who wasn't involved on the inside as kind of a consumer of a total shift has been a very interesting process to go through and they brought the citizens right along. So it was --

Ms. KARI PARCELL: Yes, it's kind of easing your way into it and sort of --

Speaker MCAULIFFE: The other thing I did notice, and I know this isn't plausible, there are more people at the bins. I see -- usually it was one or two people working; now, there are one or two people going around helping people, pulling things out, pointing things, actually helping elderly people put things in the bins saying this goes here, this goes there. So I think that's a temporary thing to kind of get people used to where it goes, but it is an expense if you've got personnel out there. But I've noticed one or two extra people during this transition.

Ms. KARI PARCELL: Yes.

Speaker MCAULIFFE: But it's part of the education, as you said, the people-to-people contact. This is why this has to go here.

Ms. KARI PARCELL: Yes, absolutely. And, again, I think the education piece is sort of the catchall of where it really goes, how it's really being processed. You know, the worker value that they deserve to go home like the rest of us at the end of the day without a severe accident because they had to go detangle something that really shouldn't have been in there.

Barnstable County has done an incredible job. I meet with my colleagues and they have many different struggles than we do, and we have very different struggles than they do. But, overall, the County has really adopted well. The towns adopted well. The DPWs and the transfer stations are a pleasure to work with. They're open to many ideas and programs and regional glass processing and regional latex paint. The town of Eastham is looking at a regional mattress collection for the Mattress Recycling Initiative grant.

So, you know, the towns are really, really interested in resource sharing and land-based sharing and working with each other. And universal signage is one of my biggest things because I think being able to just identify where something goes from town to town is very important.

Speaker MCAULIFFE: Well, we want to thank you for -- oh, excuse me. Yes, Delegate O'Hara.

Delegate O'HARA: One quick question. On this glass program that Dennis has, would it make sense if there were another machine up in the north of Barnstable so that they could -- I mean to take -- to have Mashpee drink their glass -- oops, take their glass down to Dennis is quite a ride and manpower and cost. If there was another machine

north, whether it be Mashpee, Falmouth, or Sandwich, are there funds available for that?

Ms. KARI PARCELL: Potentially, I mean, I don't really see DEP funding the equipment itself. So the way that Dennis is going to do it is that they're partnering -- contracting with a third-party vendor that owns the equipment because the equipment is extremely expensive and its very high maintenance. So for every eight hours that you're processing glass, there's about 15 hours of maintenance time that goes along with it, which is very costly. So by contracting that out, you're saving money.

I'm not quite sure what the Town of Mashpee does with the glass because their transfer station is operated by a third-party vendor rather than a municipality of Mashpee. But on average right now to haul glass it's going to Raynham and it's costing about \$80 a ton.

Katherine and I have been working -- she applied for a drop-off container, a sort/separate container for the glass in anticipation of taking it to the Town of Dennis because there will be a cost value savings from the transportation. However, we don't have those figures at the moment. I don't think Dave Johansen has the figures. I don't think a contract has been set with NRRA out of New Hampshire.

But the reason being that the equipment itself because the town of Eastham and the Town of Wellfleet applied for the equipment and were turned down because Dennis was going to do a regional push with a third-party vendor making it so it's --

Delegate O'HARA: No. Thank you.

Ms. KARI PARCELL: I don't know, you know, the operation --

Delegate O'HARA: I'm very simple; it's a yes or no. Thank you.

Speaker MCAULIFFE: No, in a very nice way though.

Delegate O'HARA: Yes.

Speaker MCAULIFFE: Well, I want to thank you for all of this information, all of the work that you do. As I said before, the regional efforts of the County are really, I think, where the County exists for the towns. And I think you've done an incredible job, and it sounds like you're very motivated and very knowledgeable. And I think that we'll lead the towns successfully through some of their trash and recycling issues.

But thank you so much for your time and your presentation.

Ms. KARI PARCELL: You're welcome.

Speaker MCAULIFFE: And representing the County so well. Thank you.

Ms. KARI PARCELL: Yes, absolutely. Thank you, all, for having me here and have a good evening. Thank you.

Delegate O'HARA: Thank you.

Speaker MCAULIFFE: Communications from public officials? Seeing none.

### **Public Hearing on Proposed Ordinance 19-01: County Farm Lease**

- **County Administrator Jack Yunits and Cooperative Extension Director Michael Maguire spoke to the Assembly regarding the county farm lease process**
- **There was only one bidder at \$625.00 per year and is also the current lease holder**
- **The lease is a three-year lease with two three-year extensions available**

Speaker MCAULIFFE: We have a Public Hearing on Proposed Ordinance 19-01, which is the County Farm Lease, and we have our Administrator Jack Yunits. We did have the lease looked at by Attorney Troy just in case a question came up tonight, as Attorney Troy looked at the lease.

So I'm guessing as you all received the email saying that it was in compliance, just to cross that T. Mr. Yunits.

Administrator YUNITS: Good evening.

Speaker MCAULIFFE: Good evening.

Administrator YUNITS: You can see why young professionals like Kari that make our job so much more exciting -- just a great asset for the County. Before I begin, if I might just take 30 seconds to update you on the East wing; we're now looking at the first week in March with any kind of luck. The A/V people will be in next week and that's the last step. So, keep our fingers crossed that you won't have to play pass the mic anymore.

On the lease, the farm lease; the farm lease was originally issued about a decade ago, 10 years ago. It was a five-year lease with a five-year option. The company Cape Cod Organic Farms owned by Tim Friary won that bid and continued to farm it for the last decade.

Last May, we began to meet at the farm on a regular basis with Mike Maguire and Russ Norton. Russ runs the agricultural programs for the County Extension. Leo was there as well. It was great to have a chairman at that time that was a farmer because this was a complicated decision we had to make. There weren't a lot of options. There's a significant conservation restriction on the 99 acres that we own there and it's pretty much limited to agriculture or agricultural-related activities and that includes aquaculture, so on and so forth.

However, the other options were pretty limited. So in the course of discussions we decided what we wanted to do with the farm is keep it as a farm. It now plays a big role in the local economy and a big role in terms of what it gives back to the public, and Mike's going to talk about that a little bit in just a minute.

The other options, however, were to reduce the amount of land that we were renting out. We wanted to reserve some land for a number of reasons for the County's benefit.

One is the hopeful expansion of the Extension Services and moving the lower level of the Probate Court out to the farm so they can operate more in the community as the community Extension Service.

The second was to allow places like the Master Gardening Program and the Experimental Gardens that Russ already runs -- they're now located over in Barnstable County at the Barnstable -- it would be where the old Barnstable County --

Mr. MIKE MAGUIRE: Fair Grounds.

Administrator YUNITS: -- Fair Grounds are and bringing back to the center. It would also give us an opportunity to partner with universities with the hope of doing some experimental farming and studies on our land. The bees would stay, the Bee Program will stay. The Community Garden Program through Matt Fountain at the Extension will stay, that's the Master Gardeners Program essentially. They'll all be brought to one location here in the County.

So we put it out to bid; we had one bidder and, needless to say, the bidder was

Cape Cod Organic Farms. The price came in as Leo predicted it would next to nothing. That was a bit of a disappointment. We thought it would go up a little bit, but it did not. And Leo was quite frank with us during the process that there's no margin in farming on Cape Cod any longer. It's a very difficult, very difficult business.

With that, I'd like Mike to talk a little bit about some of the things that Tim Friary does for the community, how he assists us, how many people he employs because it's a big part of why even though we only had one bidder we decided to go with him.

Speaker MCAULIFFE: Mike Maguire from Cooperative Extension.

Mr. MIKE MAGUIRE: Mike Maguire, Director of Cape Cod Cooperative Extension. And Jack did a great lead-in there. I think the first time I was around when the lease went out the first time. And I remember I think Jack said five and five; it was actually three and then we renewed for seven.

And having had a tenant there for 10 years, my office was located on the farm for a long time. I got to see day to day activity and see how much a part that the County Farm plays in the Barnstable Village community and then the larger community as a whole.

So in speaking with the Commissioners when this lease came back up and speaking with administration, there was a lot of back-and-forth about what we should do, what my department could utilize, and then what wouldn't be utilized knowing that the ag restriction was pretty tight on property. And the decision was I would take one of the fields behind the farm house, like Jack alluded to, to utilize for ag research and demonstration. And we do have a real nice demonstration garden at the fairgrounds but this one would be different. And, you know, we're in the process of our budget hearing -- my budget hearing with all of you that there is a move afoot to try to locate or relocate our main office out of the basement of Deeds and Probate and put me and the rest of our staff all at the farm house. Currently, we're split 50-50 between the two properties, and there would be some revenue that would come in from the state from that but that's a different discussion.

The bottom line was we looked at what we wanted to do with the farm and knew that we really didn't have a lot of options and having a tenant farmer would be in the County's best interest. I was not, frankly, Russ and I had talked about whether or not the County could try to operate the farm. The margin's very thin. I didn't think the County needed to be in the business, a private business, and we had folks that were interested in leasing. So we said, "All right, let's put it back out and see what we can get," and the current tenant was the only bidder.

And, you know, we know this community pretty well. We know what it takes to get into it. You know, there's a pretty large start-up cost. You need infrastructure; you need equipment and the ability to work with the existing lenders and have a track record so that you can borrow for things like irrigation and all the other expensive pieces of farming.

So when the bids came in, I had Russ and our procurement agent Elaine look through the one bid and it was what we expected. I think there was some discussions between the bidder's attorney and administration of working out some of the finer details. And we were happy with it in the end. I will say -- I wish that we could get more money for the lease, but I would ask the Assembly to look as a whole and understand that that property really has very limited set of things that can be done on it.

So given the fact that we have someone who has a proven track record, who is an

organic farmer, who isn't going to be using any products that we would be concerned about on the property, that he does employ seasonally probably over 20 folks. He's got a few year-round staff. He's creating organic produce that's going across the Cape. This is a good option in my opinion.

So if you have any specific questions about the property, I know that the tenant, proposed tenant's attorney was here, he had to leave, but he was going to be available to answer questions. So if you have really specific questions, I'm sure we can get him back in, but I'm happy to answer whatever I can.

Speaker MCAULIFFE: I just wanted to just -- I kind of rushed into this hearing. This is a Public Hearing on the County Farm Lease because it's a requirement that the Assembly approve leases, that's why it's before us.

We perform our duties by ordinance and ordinances have public hearings, so that's why we're here. So this part of the agenda will be some information, there could be public comment, but also for us to ask questions.

Our discussion and opinions and opining on what we think really should be done when we convene under Item 14, which is a discussion about. So this is for asking questions of the presenters and then feel free to give opinions and personal thoughts when we convene. So I just wanted to try and set that out there because sometimes the lines blur a little bit.

So I saw a hand here. Delegate Princi.

Delegate PRINCI: You had mentioned there was some parcels of the original lease that were taken out of the existing -- the lease that's before us now, the one that you mentioned behind the farm house.

But you know that property that's if you -- it's difficult to access. It goes -- it's actually on the other side of a residential neighborhood, Cindy Lane; it was part of the old lease and now it's -- is this part of the new lease too? Because I had heard complaints from constituents that there were some, you know, just some bad neighbor issues early on of the older lease with that type of -- that property there with just some clearing that should've been done and wasn't done, not being maintained.

Is that property still in the existing lease and, if so, is there mechanisms in the lease for him to maintain that property?

Mr. MICHAEL MAGUIRE: That's a great question. I believe the property you're referring to is --

Delegate PRINCI: The Cobb property?

Mr. MIKE MAGUIRE: It's the Cobb field property. So the way that property works is Mrs. Cobb when she passed I believe she left in her estate that -- this was during the time where the Sheriff had milk cows -- and so they were milking cows on the County Farm and they would walk down the railroad track through a right-of-way which is also -- we've had an issue with that, to Cobb Farm and they would go to pasture there when there was also hayrides there. And she left that property to the Town of Barnstable with deeded rights to the County to use for either pasture or for hay.

When the current tenant had the initial lease on the property, those rights were conveyed to him. In the new lease, as far as I know, that those rights are not conveyed, that was not part of the bid. And we did look at that and we decided not to include it in the proposal so.

Administrator YUNITS: Yes, I have been in contact with the Town of Barnstable

and we've told them essentially that we would be willing to waive any easement rights we have to if they wanted to do something with the septic.

Delegate PRINCI: Okay.

Administrator YUNITS: It's not part of it.

Delegate PRINCI: Great. Thank you.

Speaker MCAULIFFE: Back to the cows, huh? Delegate Killion.

Delegate KILLION: Thank you, Madam Speaker. In the ordinance, there's some reference to improvements which were made in the prior lease for about 250,000 in value; can you speak to what those were?

Mr. MICHAEL MAGUIRE: So with proper permitting and with working with federal funding and grants and pay-back programs that the tenant had, he was able to install a solar array that feeds back into the four greenhouses that are on the property. There was a very expensive compost pad that was installed in the back field, two new wells were drilled, irrigation lines were installed, and then there were some improvements made to just the infrastructure that he was utilizing like putting new -- maintaining the greenhouses essentially and some of the smaller out buildings. And then a larger farm stand that he built, all properly permitted but, you know, there were -- over the course of 10 years a lot happened there; we'll put it that way. So those are the major improvements.

Delegate KILLION: And just also, I guess as a point of clarification, at least in the copy I have in Article 3 the payment shows a number of 625 with three zeros after it, so I assume that's an error.

Mr. MIKE MAGUIRE: That's definitely a clerical error.

Administrator YUNITS: I wish you were right.

Delegate KILLION: Thank you.

Speaker MCAULIFFE: Anyone else? Yes, Delegate Ohman.

Delegate OHMAN: I, too, am among the many that are disappointed the price is too low but, apparently, that's part of the game. And I was also taken back by the -- I know that this gentleman has done his due diligence and done a good job for the last 10 years, but you did still have the opportunity to go out to bid again. The bid -- the RFP was August 1.

And I know like an organization like Cape Abilities maybe didn't bid but they were going under some organizational changes too and those are opportunity costs that we might have missed.

So I'm a little askance at why we didn't -- Tim could have bid a second time. I'd like to know if there was a reason you didn't -- a good reason you didn't do that; that's one thing. I have a couple more questions.

Administrator YUNITS: Well, the lease expires the end of this month.

Delegate OHMAN: Right.

Administrator YUNITS: So time is starting to catch up to us.

Delegate OHMAN: Again, it's been six months.

Administrator YUNITS: And I did initiate conversations regarding Cape Abilities and was told the same thing you just mentioned that they were going through a reorg and have no interest.

Delegate OHMAN: Yes.

Administrator YUNITS: We also looked around at other nonprofits and got very little interest.

Delegate OHMAN: So now here we are we're going to get a grand total of 625 with however many zeros after it, and if you look under Article 5; Article 5 it says the County shall be responsible for maintaining the access road. That's going to eat up a lot more than \$625.

Delegate O'MALLEY: And insurance.

Delegate OHMAN: And Number 2, property insurance shall be responsible for maintaining the insurance on the building and the structures. I wonder why that wasn't negotiated somewhat differently.

Administrator YUNITS: Well, for two reasons. First on the road, the County needs the access road available that we have the access road to get the public from the street to the County offices. And because it's an organic farm, we really have to keep it a stone road.

The way we work it is we deliver the gravel in a pile to the farm and Tim Friary actually maintains the road for us with his equipment. Historically, it washes out whenever we have a significant rainstorm as you might expect a stone road to do. And then Tim's job is to go in and repair it when we request it. He also needs access -- the public access to his farm stand so it's relevant for him to maintain it as well. So it's not a big cost to the County; it's really a load of gravel periodically.

On the issue of insurance, we own those buildings. Those are fixtures that were put on our land; we own them, and our insurance company wants to be sure that we maintain coverage on those buildings. He can have his own, but we want to make sure that we're covered and that's why we do it. It's not a lot of money, by the way, of insuring those buildings.

Delegate OHMAN: Again, I've held some of these leases with municipalities and myself, and I just make them named insured and I pay the cost of the insurance, and they are welcome to add onto it if they wish.

Administrator YUNITS: Yes.

Delegate OHMAN: But I've got minimums that I've had to do, and the cost was on my back and gladly so because we're going into the cost of running a business, same with the gravel, you know.

Those are the things that 625 bucks, I just thought that there might be some way that we could have that be his cost of doing business and not ours.

Speaker MCAULIFFE: Delegate O'Malley.

Delegate O'MALLEY: Right. You touched on -- Mike, you touched on one of the improvements having been a solar array to power the greenhouses, and my question is on the -- do the agricultural restrictions that apply to the remainder of this land or too much of it, are they going to allow us to consider doing solar arrays out there for -- not for the farm but for other purposes? Is that a consideration?

Mr. MIKE MAGUIRE: It is possible, yes. However, I wish it was as simple as, yeah, we'll put them up and there's no problems there and everyone's going to be happy. The town has the agricultural restriction on it, and within the agricultural restriction there are ways for us to approach this where if the energy that was generated was fed back into the farm and consumed for -- it was fed back into the farm houses because my agency's an agricultural agency, you know, we'd need a ruling on that whether that meets the requirements or not. You know, we can certainly put some solar out there and fall within the general terms for what you're discussing. But this is stuff that really should be, you

know, that has to be closely examined and vetted by County Counsel. I mean it's not something we would go into lightly.

Is it possible with the agricultural restriction, yes. The size, the scope, the scale, how it would work, who would benefit from it, what kind of revenue would be generated, what the impacts on the land would be; it's all something that would have to be assessed.

Delegate O'MALLEY: Well, we have a couple of proposed ordinances on energy conservation coming in, and I would hope that that would be part of the conversation. There's land that could be used; is it going to be worthwhile?

Mr. MICHAEL MAGUIRE: I will tell you I did have a discussion with Maggie Downey actually this week about this knowing that this might come up. And so when Maggie was the Assistant County Administrator and also, obviously, running Cape Light Compact, they had visited this with the town and looked into putting a solar array on almost all the fields out the back of the farm. And the Barnstable Conservation Commission was adamantly opposed to it, and because they hold the conservation restriction, the ag restriction on the property, there was a no-go.

In this instance, you know, if you wanted to talk just about a solar array for agricultural uses, and my recommendation would be we would do nothing without collaboratively working with the town and making sure that everyone in the town was on board before this discussion really, you know, the rubber met the road on anything.

Delegate O'MALLEY: Yes.

Mr. MIKE MAGUIRE: I mean that's just, you know, this has been examined in the past and we certainly -- nothing's off the table but we have -- this is a pretty complicated property and we wouldn't do anything without vetting it properly.

Delegate O'MALLEY: Thank you.

Speaker MCAULIFFE: Delegate O'Hara.

Delegate O'HARA: Thank you, Madam Chair. So, seeing that the Town of Mashpee is dealing with recreational marijuana sales but along with other recreational sales application comes a grow facility, and we have -- is this land usable as a cannabis growth facility? It's not an illegal substance; it's a legal substance.

Is that something that the County could look at? I'm sure that it would generate a lot more than a few hundred dollars.

Delegate PRINCI: Coming through the town of Barnstable.

Mr. MIKE MAGUIRE: So that's a great question and I've been asked this before, and my answer is can you give me an example of a public entity or a public property being utilized for growing a federally controlled substance in Massachusetts? I'm not aware of any, and I think that if you're going to generate revenue as a public entity and be in violation of federal law, you're asking for a lot of discussion on that.

Delegate O'HARA: It's beyond my pay grade. I'm just asking the question is it an allowed use? The state allows it; the federal's a different animal altogether.

Mr. MICHAEL MAGUIRE: Well, put it this way, if you look at how much federal funding makes its way into the County, you might have your answer.

Speaker MCAULIFFE: It's a three-year lease, correct?

Mr. MICHAEL MAGUIRE: That's correct.

Speaker MCAULIFFE: So three years is a very short time, so a lot of these issues if you were looking to find a revenue source, there may be an option to see if there's a public-private partnership kind of thing. I mean three years is not a lot of time to get

something going on this property. So at least we have someone who will keep the property viable for three years. And is there an extension or an option to extend?

Administrator YUNITS: This was actually a big area of discussion because Tim was concerned that it was only a three-year lease.

Speaker MCAULIFFE: Okay.

Administrator YUNITS: So what we did, Joe Berlandi and I, agreed to language. Joe is the attorney for Tim Friary. We agreed to language in the lease that said that the County if they decided to terminate this lease had to provide the farmer with 18-months' notice, and that's time is of the essence. And the reason for that, obviously, is the huge equipment investment that he puts into the farm. So it's a little more than a six year notice you're out of here.

Speaker MCAULIFFE: And in terms of his notice to the County, is that similar? Does he have to give 18-months' notice if he's going to --

Administrator YUNITS: No, he can leave at will.

Speaker MCAULIFFE: He can leave -- because one bad season can finish a farmer.

Mr. MICHAEL MAGUIRE: And I would add just knowing what Tim had to do this year and he wanted the process started as early as possible too, and I know how -- we had to move at the speed of government which is, you know, --

Speaker MCAULIFFE: Glacial.

Mr. MICHAEL MAGUIRE: And so one of the repercussions for the current tenant for Tim was that he ended up having to take all his pigs to the slaughter house. He did have to get rid of his breeding stock because what is he going to do with pigs if he doesn't get the lease and he didn't know.

Speaker MCAULIFFE: Right.

Mr. MIKE MAGUIRE: So from a farmer's perspective, from any farmer's perspective, if you're going to be putting in like, for example, strawberry vines, you know, he needs to know whether or not he should invest in that.

Speaker MCAULIFFE: Right.

Mr. MIKE MAGUIRE: And the 18- month turnaround, I get that's unusual for a lease but in this particular instance, you know, let's say that you do hope to do this, we've got 18 months to talk about marijuana and nonprofits and all kinds of other places that could potentially come in, and we could give him notice in 18 months and say, "Hey, three years is it."

Speaker MCAULIFFE: On the other hand if nothing pans out, then we make it work out.

Mr. MIKE MAGUIRE: Right.

Speaker MCAULIFFE: Okay.

Delegate PRINCI: Just a follow-up to that?

Speaker MCAULIFFE: Yes, just before you do that --

Delegate PRINCI: Oh, sorry.

Speaker MCAULIFFE: Deborah McCutcheon had a question. Delegate McCutcheon and then back to Delegate Princi.

Delegate MCCUTCHEON: I kind of think the marijuana growing is a little bit of a red herring. I'm not sure we -- but leaving that aside, you said there's a three-year term, and the language of this lease says that there's two additional terms of three years each.

Now and then there's the how many dollars and cents on the next page; is somebody going to look at -- I mean it's been signed; is somebody going to look at this for typographical errors and inconsistent statements before it becomes final and recorded?

Administrator YUNITS: Well, I know we sent it off to County Counsel before it was executed, so I assume it's been thoroughly vetted.

Delegate MCCUTCHEON: Well these, right here tonight, people have picked out several inconsistent and incorrect statements. The 625 is it 62,500 or is it 625? I mean I just would like to have perhaps our Administrator, or somebody go through it for typographical errors if nothing more before you --

Administrator YUNITS: We could do that.

Delegate MCCUTCHEON: Thank you.

Speaker MCAULIFFE: Yes, Delegate Princi.

Delegate PRINCI: Thank you. So, the way I see it from everything I heard from the questions from our Speaker and your answers and the timeline of the lease, so, essentially, you know, in another 18 months it's likely that you're going to be back out looking for other people that might be able to provide more to the County whether it be more financially and more use of the land than what currently is as far as agriculture goes because, you know, not as much the marijuana stuff but a lot of -- I don't know if this is permissible out there but, you know, there's some companies out in Western Massachusetts that are producing large amounts of greens and like salad-type stuff year round, all indoors. I think it's called -- I forget the name of the company. It was on Chronicle.

Administrator YUNITS: Microgreens.

Delegate PRINCI: Microgreens, that's it. So that seems to be like a farming of the future which could, essentially, you know, put some major revenue into that farm which it currently lacks, increase some of the revenues in turn for the County. So I would just urge this to not --

Administrator YUNITS: Which is one of the reasons why we reserved all that land out there.

Delegate PRINCI: Okay.

Administrator YUNITS: We could bring in a microgreen company right now and have them set up out there.

Delegate PRINCI: Right. Okay.

Administrator YUNITS: That's an expensive investment.

Delegate PRINCI: Investment.

Administrator YUNITS: It's all greenhouse and its high energy, but it can be very successful. You're a hundred percent right and we're looking at that.

Delegate PRINCI: So, basically, is what you're telling us here today is that, you know, it is a short-term lease but it's not a lease where it's just going to be put on a shelf and then, you know, before it's up then start to look for and try to find other bidders. You're always looking at that for options; is that correct?

Administrator YUNITS: Yes.

Delegate PRINCI: Okay.

Administrator YUNITS: And I think that's one of the reasons we want to get Mike and his team out there.

Delegate PRINCI: Okay.

Administrator YUNITS: So that this becomes more important.

Delegate PRINCI: Thank you, Madam Speaker.

**Speaker MCAULIFFE: All right. Thank you, very much. So, at this point, I don't see any members of the public wishing to address the Assembly, so I will close the hearing on Proposed Ordinance 19-01, the County Farm Lease.**

Administrator YUNITS: Thank you.

Speaker MCAULIFFE: Thank you.

Speaker MCAULIFFE: No public to hear communications from.

Speaker MCAULIFFE: So the Assembly will convene.

### Assembly Convenes

#### Proposed Ordinance 19-01: County Farm Lease

To authorize the County of Barnstable to execute a ground lease between Barnstable County and the Cape Cod Organic Farm Inc. for the parcels and improvements known as the Barnstable County Farm, located at 3675 Main Street in the Town of Barnstable, Massachusetts.

The Cape Cod regional government, known as Barnstable county hereby ordains;

#### Section 1. Source of Authority and General Purposes

In accordance with Article II, Section 2-8, (d) (vii) of the Barnstable County Home Rule Charter, Barnstable County hereby enters into a ground lease with the Cape Cod Organic Farm Inc. for the parcels and improvements known as the Barnstable County Farm, located at 3675 Main Street in the Town of Barnstable, Massachusetts.

#### Section 2. Effective Date

The Ground Lease Ordinance shall take effect upon passage of the ordinance by the Barnstable County Assembly of Delegates and execution by the Barnstable County Commissioners, and Cape Cod Organic Farm Inc.

#### Section 3. Ground Lease Table of Contents

##### ARTICLE I – INITIAL

##### ARTICLE II – EXTENSION OF INITIAL TERM

##### ARTICLE III – ANNUAL LEASE PAYMENT

##### ARTICLE IV – IMPROVEMENTS TO FARM

##### ARTICLE V – RESPONSIBILITIES OF COUNTY

##### ARTICLE VI – INSURANCE RESPONSIBILITIES OF CCOF

##### ARTICLE VII – SUBLETTING

##### ARTICLE VIII – EVENT OF DEFAULT

##### ARTICLE IX – TERMINATION

##### ARTICLE X – GOVERNING JURISDICTION

##### EXHIBITS ANNEXED

##### A) PARCELS LEASED

##### B) PRICE PER PARCEL

##### C) PARCEL MAP

##### D) SAMPLE MEMORANDUM OF UNDERSTANDING DISCLOSURE STATEMEN

The first item is the Assembly discussion and vote on Proposed Ordinance 19-01, County Farm Lease; is there a motion to put the lease -- the Ordinance on the table?

**Deputy Speaker MORAN: So moved.**

Delegate KILLION: So moved.

Speaker MCAULIFFE: Is there a second?

**Delegate O'MALLEY: Second.**

Speaker MCAULIFFE: Thank you. Delegate McCutcheon.

**Delegate MCCUTCHEON: I'd like to have a friendly amendment that the lease be substituted for one that has all the typographical errors corrected even after this vote.**

Speaker MCAULIFFE: Is that permissible?

Administrator YUNITS: Yes.

Speaker MCAULIFFE: So on the amendment I guess --

Delegate MCCUTCHEON: Well, if it's a friendly amendment the mover can agree to it.

Speaker MCAULIFFE: Okay. Which there were a couple of movers. Who --

**Deputy Speaker MORAN: Agreed.**

**Speaker MCAULIFFE: Okay.**

Deputy Speaker MORAN: Agreed.

Speaker MCAULIFFE: All right. So it will be a housekeeping sort of cleanup, typographical. Anything substantive obviously will not. But the number 625 -- okay. Anyone else? Okay. No discussion? Then we will take a vote. It will be a roll call vote because --

Delegate O'MALLEY: We vote on the amendment.

Speaker MCAULIFFE: Oh, no. The amendment was a friendly amendment.

Delegate MCCUTCHEON: A friendly amendment.

Speaker MCAULIFFE: Now --

Delegate O'MALLEY: Right. I understand.

Speaker MCAULIFFE: So it's going to clean up after --

Delegate O'MALLEY: Yes, understand.

Speaker MCAULIFFE: Is there any discussion on the Ordinance itself? All right. So now we will go to a roll call vote.

**Roll Call Vote on Proposed Ordinance 19-01: County Farm Lease**

**Voting "YES" (83.75%): Mary Chaffee (4.55% - Brewster), J. Terence Gallagher (2.30% - Eastham), 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), Brian O'Malley (1.36% - Provincetown), Randi Potash (2.84% - Chatham), Patrick Princi (20.92% - Barnstable), Linda Zuern (9.15% - Bourne).**

**Voting "NO" (6.58): John Ohman (6.58% - Dennis).**

**Absent (9.67%): Lilli-Ann Green - (1.27% - Wellfleet), Elizabeth Harder (5.67% - Harwich), Christopher Kanaga (2.73% - Orleans).**

Clerk O'CONNELL: Madam Speaker, Proposed Ordinance 19-01 passes with 83.75 percent of the Delegates voting yes; 6.58 percent voting no; 9.67 percent are absent and is now known as Ordinance 19-02.

Speaker MCAULIFFE: Okay. So this is now Ordinance 19-02.

**Ordinance 19-02: County Farm Lease**

**To authorize the County of Barnstable to execute a ground lease between Barnstable County and the Cape Cod Organic Farm Inc. for the parcels and improvements known as the Barnstable County Farm, located at 3675 Main Street in the Town of Barnstable, Massachusetts.**

**The Cape Cod regional government, known as Barnstable county hereby ordains;**

**Section 1. Source of Authority and General Purposes**

**In accordance with Article II, Section 2-8, (d) (vii) of the Barnstable County Home Rule Charter, Barnstable County hereby enters into a ground lease with the Cape Cod Organic Farm Inc. for the parcels and improvements known as the Barnstable County Farm, located at 3675 Main Street in the Town of Barnstable, Massachusetts.**

**Section 2. Effective Date**

**The Ground Lease Ordinance shall take effect upon passage of the ordinance by the Barnstable County Assembly of Delegates and execution by the Barnstable County Commissioners, and Cape Cod Organic Farm Inc.**

**Section 3. Ground Lease Table of Contents**

**ARTICLE I – INITIAL**

**ARTICLE II – EXTENSION OF INITIAL TERM**

**ARTICLE III – ANNUAL LEASE PAYMENT**

**ARTICLE IV – IMPROVEMENTS TO FARM**

**ARTICLE V – RESPONSIBILITIES OF COUNTY**

**ARTICLE VI – INSURANCE RESPONSIBILITIES OF CCOF**

**ARTICLE VII – SUBLETTING**

**ARTICLE VIII – EVENT OF DEFAULT**

**ARTICLE IX – TERMINATION**

**ARTICLE X – GOVERNING JURISDICTION**

**EXHIBITS ANNEXED**

**E) PARCELS LEASED**

**F) PRICE PER PARCEL**

**G) PARCEL MAP**

**H) SAMPLE MEMORANDUM OF UNDERSTANDING  
DISCLOSURE STATEMEN**

**Summary of Committee Reports**

- Brief verbal report provided by Human Rights Commission Assembly Liaison Delegate O'Malley

Speaker MCAULIFFE: All right. Next are Committee Reports. I don't believe we had committee -- yes, Delegate O'Malley.

Delegate O'MALLEY: Madam Speaker, I'm not sure --

Speaker MCAULIFFE: Oh yes, you --

Delegate O'MALLEY: I'm not sure where this should fit.

Speaker MCAULIFFE: Right. You're the liaison for Human Rights.

Delegate O'MALLEY: I was appointed liaison to the Human Rights Commission. The Commission met here two nights ago, and I attended. They're still working on really, as I see it, how to structure. And the biggest issue that they're facing is representation. The model has been a -- has been nine Commissioners and then representatives from the towns. And what they're finding is that the town reps really do not show. Most of the towns don't even have one, and those that have don't show up. So they're looking to replace that model. And the current model seems to be a sort of a, what is it, a three plus six combination, that is three elected by region, Outer-Cape, you know, Lower/Outer-Cape, Mid-Cape, Upper-Cape, and then six appointed by the Commissioners presumably on recommendation by the Health and Human Services Advisory Board, whatever that's called.

Anyway, that's where we are. They're going to be meeting in another month. So I don't know where to put these reports, but this is something happened --

Speaker MCAULIFFE: No. This is the place.

Delegate O'MALLEY: Thank you.

Speaker MCAULIFFE: It may not be an Assembly committee but it's a committee that you represent the Assembly.

All right that's it for Committee Reports.

#### **Summary Report from the Clerk**

- **Receipts from MMA Conference can be submitted to the Clerk for reimbursement processing**
- **Quorum anticipated for 2/20/19 Assembly meeting**
- **Anticipate delivery of FY20 Proposed Budget by Commissioners on 2/20/19**

Speaker MCAULIFFE: Report from the Clerk.

Clerk O'CONNELL: Just briefly, if you have any receipts from the MMA Conference and you're able to submit them that would be a good thing because that means you get your reimbursement quicker and if you paid for a hotel room, I would imagine, that you'd want to get reimbursed sooner versus later.

And I have heard from several individuals with regards to availability for the meeting on the 20th. That will be the meeting where the Commissioners will deliver the Budget and go over and give a general overview of the proposed budget for FY20. If you have not responded or let me know that you definitely can't or cannot attend, I would appreciate that if you could. We just want to make sure that we have a quorum. It is a school vacation week, so we just want to make sure that we're all going to be all good to go.

Speaker MCAULIFFE: Okay. So Patrick will be away.

Delegate PRINCI: School vacation.

Clerk O'CONNELL: All right. Thanks.

Speaker MCAULIFFE: Yes, that's why we want to know because we have to receive the budget and if we don't have a quorum, then I will schedule an emergency meeting the week after or an emergency meeting.

Clerk O'CONNELL: Yes, I think the Deputy Speaker has indicated that she will

be here.

Deputy Speaker MORAN: I will be here.

Speaker MCAULIFFE: Yes, and she'll be running the meeting.

Clerk O'CONNELL: And I've heard from several people but, no offense intended, the small ones, the small percentages.

So we need at least eight and we need at least 50.01 percent. So if I could hear from some of the sixes that would be really great.

Speaker MCAULIFFE: Yes, you will be here.

Delegate GALLAGHER: Yes.

Speaker MCAULIFFE: Delegate O'Malley you'll --

Delegate ZUERN: I will be here.

Clerk O'CONNELL: Yes, I've got you.

Speaker MCAULIFFE: Yes, okay, as far as you know at this point. Yes.

Delegate MCCUTCHEON: I will not be here.

Speaker MCAULIFFE: Okay. Delegate McCutcheon will not be here. Killion?

Delegate KILLION: I'll be here.

Speaker MCAULIFFE: Yes.

Clerk O'CONNELL: Okay. All right. Good.

Speaker MCAULIFFE: Chaffee.

Delegate CHAFFEE: Yes.

Speaker MCAULIFFE: Okay.

Clerk O'CONNELL: Okay. All right. Good. I think we're good now. And that's all I have.

Speaker MCAULIFFE: Yes, I don't want them to come in and not have the quorum. Yes, especially because they have people coming in to present -- to give the budget for presentation.

Deputy Speaker MORAN: Presentation of the budget.

Speaker MCAULIFFE: All right. Anything else?

Clerk O'CONNELL: That's it.

### **Summary of Other Business**

- **Proposed Ordinance 19-04: Climate Change Reduction submitted by Delegate Chaffee (Brewster)**
- **Proposed Ordinance 19-05: Establish Office of Climate Change within the County submitted by Delegate O'Malley (Provincetown)**
- **Speaker will consider committee assignments for proposed ordinances submitted and will not be on the next Assembly agenda**

Speaker MCAULIFFE: Other business? I have two people. I'll go with Delegate Chaffee.

Delegate CHAFFEE: Madam Speaker, I have a Proposed Ordinance to submit.

Speaker MCAULIFFE: Okay. And then Delegate O'Malley. Thank you.

Delegate O'MALLEY: Right. And the reason there's some confusion here, obviously, for everyone else's information; basically, we heard a couple weeks ago from the Cape Cod Commission. We had a lot of discussion, and at that meeting, one of the particular criticisms that was leveled, and we had a lot of public in here was that the

proposed five-year plan did not give adequate, shall we say, recognition to the mandates of the state, the Global Warming Solutions Act of 2008.

Well, out of that came two separate lines of attempting to remedy the situation and to create a process where we go forward. And so what basically has happened is Delegate Chaffee and I have worked on sort of parallel tracks here and have come up with two different proposed ordinances that are not tremendously different; they're a little different in tone. And I'm hopeful that these will be able to be reconciled. They both drive towards the goal of creating an organized long-term policy project for the County. So that's been submitted.

Speaker MCAULIFFE: Okay. My intent as Speaker is because there are two ordinances on a similar topic is to assign this to a committee for some preliminary work also to -- once we have sort of an idea about whether we're going to go forward with two separate ordinances or combine into one and then run it by Attorney Troy before we even get to the public hearing.

I just sort of want to have the ducks in a row rather than have it blow up in a public hearing.

Delegate O'MALLEY: Yes.

Speaker MCAULIFFE: So I will -- my inclination at this point is probably Natural Resources for the subcommittee. It does make the most sense. Delegate O'Malley is Chair. Delegate Chaffee is an alternate on that committee so the input could be put in, but I have to think about that because I don't want --

Deputy Speaker MORAN: Correction. On Natural Resources, they're both -- none of them are alternates.

Clerk O'CONNELL: Yes, she's not.

Speaker MCAULIFFE: Oh, excuse me.

Deputy Speaker MORAN: She's on there.

Speaker MCAULIFFE: You're both on Natural Resources. That's right. That was a different committee I was thinking of.

Deputy Speaker MORAN: Right.

Speaker MCAULIFFE: Okay. That was Health and Human Services.

Deputy Speaker MORAN: Right.

Speaker MCAULIFFE: When I was thinking about where to put climate change, it has impacts in almost any area so you can almost, theoretically, put it in any area. So that's the way I'm leaning, but I will talk to some people and come up with a decision so that it won't be on the agenda for hearing at the next meeting, but it will be put into committee to further tackle the issues.

Delegate Zuern.

Delegate ZUERN: I thought there was also an agreement to hear both sides of climate change. So, I'm hoping that in that ordinance there is some way to get the education on climate change and not just assume there's global warming, that there is some openness to looking at both sides of an issue.

Speaker MCAULIFFE: I think during the hearing on any ordinance or both ordinances or one ordinance is a time then when you people can give testimony and give information and can certainly make arguments at that point.

Delegate ZUERN: Okay.

Speaker MCAULIFFE: All right. So that's my other business; anyone else have

other business?

I'll take a motion.

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

**Deputy Speaker MORAN: Adjourn.**

Speaker MCAULIFFE: To adjourn. We're adjourned.

**Whereupon, it was moved and seconded to adjourn the Assembly of Delegates at 6:20 p.m.**

**Submitted by:**

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

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

- **Business Calendar of 2/6/19**
- **Unapproved Journal of Proceedings of 1/16/19**
- **Proposed Ordinance 19-02: To Amend HRC Ordinance 05-18 submitted by Commissioners**
- **Proposed Ordinance 19-03: FY20 proposed Capital Budget submitted by Commissioners**
- **Handout from Director Tobacco Control Program: History and Scope of Services**
- **Handout from Waste Reduction Coordinator Kari Parcell: Mass DEP Recycling Dividends Program (2018 & 2019)**
- **Public Hearing Notice for Proposed Ordinance 19-01**
- **Proposed Ordinance 19-01: County Farm Lease**
- **Count Counsel legal opinion dated 2/4/19 on Proposed Ordinance 19-01**
- **Proposed Ordinance 19-04: Climate Change Reduction submitted by Delegate Chaffee (Brewster)**
- **Proposed Ordinance 19-05: Establish an Office of Climate Change at the County submitted by Delegate O'Malley (Provincetown)**

