

**CAPE COD REGIONAL GOVERNMENT - ASSEMBLY OF DELEGATES**  
**Barnstable County Complex**  
**East Wing Conference Center @ 4:00 PM**  
**3195 Main Street, Route 6A**  
**Barnstable, MA 02630**

**APPROVED Journal of Proceedings - May 15, 2019**

**Call to Order**

Speaker MCAULIFFE: I'm going to call the meeting to order. I'd 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.)

**Roll Call Attendance**

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

Clerk O'CONNELL: Same rules apply. You may use your electronic device.

You can identify your presence anytime you'd like but certainly when I call your name, please respond.

**Present (90.78%):** Mary Chaffee (4.55% - Brewster), J. Terence Gallagher (2.30% - Eastham), Lilli-Ann Green - (1.27% - Wellfleet), Elizabeth Harder (5.67% - Harwich), 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), Patrick Princi (20.92% - Barnstable), Linda Zuern (9.15% - Bourne).

**Arrived Late (6.49%):** Thomas O'Hara (6.49% - Mashpee – arrived @ 4:10 PM).

**Absent (2.73%):** Christopher Kanaga (2.73% - Orleans).

Clerk O'CONNELL: Madam Speaker, you have a quorum with 90.78 percent of the Delegates present; 9.22 percent are absent.

Speaker MCAULIFFE: Thank you.

**Approval of the Calendar of Business**

Speaker MCAULIFFE: I'll take a motion to approve the Calendar of Business.

Deputy Speaker MORAN: So moved.

Delegate CHAFFEE: Second.

Speaker MCAULIFFE: Any discussion? All those in favor? Aye. Opposed?

Thank you. **It passes unanimously.**

**Approval of the Journal of Proceedings**

Speaker MCAULIFFE: Approval of the Journal of May 1, 2019; is there a motion? Yes, Delegate O'Malley.

Delegate O'MALLEY: Madam Speaker, I move approval -- acceptance of

the Journal as distributed.

Speaker MCAULIFFE: Is there a second?

**Delegate GREEN: Second.**

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

### Summary of Communications from the Board of Regional Commissioners

- **Commissioner Bergstrom updated delegates on Board actions of Ma 8<sup>th</sup> and May 15<sup>th</sup>.**
- **Commissioners approved adopted Ordinances 19-04, 19-05, and 19-06 all related to FY20 budgets**
- **Assistant County Administrator Steven Tebo was appointed the Chief Procurement Officer for the County**
- **Mercy Otis Warren Cape Cod Woman of the Year Award announced by Commissioners and going to go to Chatham resident, Juliet Bernstein.**
- **Commissioners proclaimed the last week of June as Cape Cod Smart Transportation Week**
- **Commissioners requested the re-filing of a bill related to the Sheriff's Pension Liability – HD 1969**
- **Commissioners approved the municipal tax assessments**
- **Commissioners reported that County has turned over the Cooperative Extension's Academic Explorer Program to the Cod Museum of Natural History**
- **Commissioners continue to work on issues related to water usage at the Fire Training Academy**

Speaker MCAULIFFE: Communications from the Board of Regional Commissioners. We have two Commissioners. We have Chairman Bergstrom and Commissioner Beaty with us. Thank you.

Commissioner BERGSTROM: Good afternoon.

Speaker MCAULIFFE: Good afternoon.

Commissioner BERGSTROM: It's been a while since I sat here talking to you, but I know that Commissioner Beaty gave you the head's up last time on what we've done. There's been, of course, two meetings of the Commissioners since you got the last update.

I'll go through the meeting of May 8th. We had, on May 8<sup>th</sup>, we had a discussion regarding the County's Other Post-Employment Benefits, OPEB. You know we put aside \$850,000 to go into the OPEB Trust. During the meeting of the 8<sup>th</sup>, we voted to approve the Trust Agreement and call the first meeting of the Board of Trustees in order to receive the \$850,000, and to appoint a firm, a financial firm to oversee it. The members of the Trustee Board are myself, as Chairman of the Board, the then Finance Director of the County -- its 4:01 so now she's the former Finance Director of the County, and the Administrator Jack Yunits. So, we quickly called a meeting on Monday and we voted to form the trust and to appoint an Executor of the trust and that's where we are with that.

I'm going to skip the Fire Training Academy discussion for now and we'll get back to it later. So, I just wanted to go over the other things because there was quite a bit of discussion about that.

We also, finally, made the approval of the Budget. You guys passed the Budget, sent it back to us. We decided that we liked it, since we had approved it and sent it to you. So, we voted to approve the budget. So, we're all set there.

We also adopted the Operating Budget. We adopted the Dredge Enterprise Fund. And the other things on the agenda are basically housekeeping items.

Although we did appoint Steve Tebo, the Assistant County Administrator, as the Barnstable County Chief Procurement Officer effective May 15, 2019, which is today. Apparently, we need someone to be the Chief Procurement Officer, and he drew the short straw so he's the Chief Procurement Officer.

You know, we reallocated \$427,000 so on \$233 was the annual allocation for the HOME Program, so we reallocated that. And I think, pretty much, that's all that we had on substance on that day.

And then that brings us to today. Today, we had a presentation by Tom Cahir and Lev Malakhoff on transportation options. Tom is the Administrator of the RTA on the transportation options and initiatives here on the Cape. It's pretty much an annual event where they come, and they tell us what's going on, and it's been quite their doings and more. They're doing some more -- they threw in some changes to the service to both Falmouth and I think Bourne. And, you know, basically, it was explaining what they've done. If you've been down to the transportation hub down there in Hyannis, you'll see that they put in solar panels on some of the structures and so on. So that was -- we gave accolades to Tom, and he gave accolades to us. That's how the meeting went so.

And we authorized a proclamation. We proclaimed the last week of June as "Cape Cod Smart Transportation Week," and I think there's a day in June that will be "Smart Transportation Day." I don't know if it's the exact same day but --

COMMISSIONER BEATY: The 23<sup>rd</sup> maybe.

Commissioner BERGSTROM: 23<sup>rd</sup>, okay. We also discussed the awarding of the Cape Cod Woman of the Year Award, and it's going to go to a Chatham resident, Juliet Bernstein. Juliet is 105 years old, and she's been an activist for many years and, apparently, still up and running. So, we'll see about that. That will be done later on, I guess in the summer, and we voted to approve that.

And Mary Pat, I saw her after the meeting and she said she got a letter from Bill Keating's office congratulating her on being the Mercy Otis Warren woman of the year, and she reminded me that that was last year that she got it and she -- was nice to get that letter anyway.

We are also refileing a bill, and the bill currently I guess or was HD.1969, which is an Act relative to the Unfunded Pension Liability for Retired Sheriff's Department Employees in Barnstable County. This is a bill that we filed in the past. It has to be refiled. It's a way of relieving us of a responsibility of covering the sheriff's retirement liability and passing that on to the state. So, Sarah Peake is going to refile that bill.

We had the Tax Schedule -- I don't know exactly what the amount is --

COMMISSIONER BEATY: It's 3 million-something each.

Commissioner BERGSTROM: Yes.

COMMISSIONER BEATY: Like three and a half million.

Commissioner BERGSTROM: Just a mere 3-1/2 million. I have the number here somewhere, but that's the total we're going to collect from the towns for our tax purposes

well within the 2-1/2 or up to the 2-1/2 percent that we're allowed.

Speaker MCAULIFFE: That's your assessment or the assessment number?

Commissioner BERGSTROM: That's our assessment, yes.

Speaker MCAULIFFE: Okay.

Commissioner BERGSTROM: We're doing -- there was some discussion on the Children's Cove and how the members of the board are appointed. There was some concern about their security. The suggestion was made to the Commissioners that they be not named publicly by the Commissioners but that the Director would appoint them.

A couple of members of the board, myself, and Mr. Beaty had some questions with that. So, what we did is we tabled it and we invited the director of the Children's Cove to come in and talk with us.

Apparently, they've taken on the additional responsibility of people -- I don't want to call it white slavery but, basically, people are importing women into the country for nefarious purposes. And I guess they need to have a secure environment to which to extract the information; they need to move against the people who are doing this. So that's why they're concerned about the security of the members, at least that's what we got from the Administrator.

Under, "New Business," there's some vacation carryover requests.

We are also turning over the Academic Explorer Program, which the County has been operating for a number of years to the Cape Cod Museum of Natural History. Mike Maguire looked at various people who were interested in hosting it. He decided the Cape Cod Museum of Natural History was a good fit, a better fit than let's say the County would continue. There's a vehicle that goes with it, sort of an RV which travels around with equipment and so on. It's not a new RV. It's an old RV and so it's not -- turning it over to them is not a big loss on our part. You might seem to think that most of the equipment had been depreciated at least officially and probably actually depreciated over the course of years. But the program is very valuable, and it helps kids learn about the environment and so on.

So that will be now, once we voted this morning, that program will be officially turned over to the Cape Cod Museum of Natural History and they will continue it. Although there was no obligation on their part to continue it, but they did give indication that they intended to go full-speed ahead on the program so.

Okay. So, then we had a number of minor contracts. We usually bundle these together now, you know. In the beginning, I remember we used to name them all but they're all minor contracts, paving and equipment and so on, so we did that too.

And so, then I will go to -- back to the meeting on the 8<sup>th</sup> where we talked about the Fire Training Academy, and we had a presentation by several of the Fire Chiefs in uniform, of course; they always come in uniform and talking about the value of the Fire Training Academy and how it serves the purpose.

I'm going to turn it over to Ron because he was in personal contact with these people. You want to give it --

COMMISSIONER BEATY: Sure. So, after the County Administrator and a few days later the County Commissioners validated the County Administrator's decision to turn off the water at the Fire Training Academy effective June 21<sup>st</sup> it turns out that, I guess, there was miscommunication. We were under the impression that the Fire Chiefs had been consulted and also the Steering Committee made up of three chiefs; the Steering Committee

of the Fire Training Academy had been consulted, and they had a lot of concerns because they weren't consulted.

And it started off with my own Fire Chief, Joe Maruca, in West Barnstable. I was more or less asked to speak with some of the Fire Chiefs. So I wound up speaking every -- most of the Fire Chiefs from Orleans to Falmouth to Bourne, and including the three that are on the Steering Committee, and they had strong opinions, I'll put it, about the matter and said that it would be detrimental to their readiness of all of their departments across the Cape if this wasn't done in a more -- in a less abrupt fashion and in a more transitioning type of process.

Because according to the Fire Chiefs, it was their understanding that even if the Fire Academy transitions to the Base, it would take up to five years at a cost of \$15 million. This was from them. I was totally unaware of that. And every single one of them more or less said the same thing.

So, I said, "Well, we have it on our agenda. I think you should come and make your concerns known." So, they did on the 8th. And one of them, Chief Pike from Orleans, is President of the Cape Cod Fire Chiefs' Association, and he brought along the Provincetown Fire Chief. Provincetown, particularly, will be hit very hard because it's an all-volunteer department and some of the Lower and Outer-Cape departments are probably hit even harder than some of the others that don't have volunteer firefighters or just have a few of them. And some were more vocal than others but, anyway, they got their message across.

So, at our meeting on the 8<sup>th</sup>, we made a motion and took a vote to direct the County Administrator and the Fire Training Academy staff to see if they can reach some sort of accord with the state DEP. And at the suggestion of the Chairman and also the Barnstable Town Council so that they would be in on this process to see if we can keep the water flowing at least until such time as the academy does move forward. But anyway -- oh, and we asked for them to report back in a few weeks.

Commissioner BERGSTROM: Yes. Their case was that they say that they use very little water.

COMMISSIONER BEATY: Yes, that's true.

Commissioner BERGSTROM: That the water was necessary, and they also brought up the statistics about one inch of rainfall, they said, has 27,000 gallons where they only --

COMMISSIONER BEATY: Per acre.

Commissioner BERGSTROM: -- per acre a thousand gallons. So, they made the pitch that they didn't really -- they weren't causing too much trouble. And as Ron says, I believe, and I've since said this, I mean this is my personal opinion, that there are three major parties involved here: Barnstable Town Council, the DEP, and us, Barnstable County. Even though it's our facility, I think that we would -- if and when the water would ever be turned back on and I'm not sure that it will be but that's my opinion.

But if that were to happen, we would need agreement, all those parties, you know, because we're not about to go into a fight or a pissing contest, excuse me, with DEP and with the Town of Barnstable. I left it up to the Fire Chiefs to go beyond just coming to us and to go out into their communities, particularly Barnstable, and make that -- if they want to make that case to make that case to the public and, you know, we would accommodate whatever decision is made that comes down to us. So that's really where we were.

Speaker MCAULIFFE: Thank you. Delegate Princi.

Delegate PRINCI: Thank you. I have a few questions about the Fire Training Academy. I do appreciate both you and Commissioner Beaty and our County Administrator coming into Hyannis and speaking to the residents and citizens who are obviously concerned with this. And I want to make this clear, no one's blaming the fire services or firefighters for this problem, okay.

And, secondly, the water is clean. I drink probably about 10-15 cups of Hyannis public water per week. I'm fine. I haven't noticed any changes.

COMMISSIONER BEATY: Are you sure?

Delegate PRINCI: But the point here is, as you mentioned Commissioner Beaty, miscommunication. Picture this, you Commissioners come in, the executive branch comes into Barnstable one week, tells the residents and citizens of Barnstable everything that they want to hear, tells DEP everything they want to hear. Then, the next week, Fire Chiefs, as you mentioned Commissioner Bergstrom, come in in uniforms and say it's a public safety hazard and so forth and they're not contaminating the ground.

And, quite frankly, the ground is already contaminated at the site where the stats were taken which were given to you; they're flawed. And the more water that's put on that site is probably going to push the contamination out into the wells.

What we need to do here is we need to clean up this contaminated site. That's what we need to do. You've got apparatuses coming in for Maritime Academy, props and so forth, all ready to go and set up. We're hearing at the last meeting that I heard you're likely to go forward with the water usage. The toilets, I'm sure the Town of Barnstable and the citizens would make some concessions to use the facility for classroom use and non-water use and most likely agree to the bathrooms being operational.

However, full trainings going on to meet these requirements at this site need to stop and there's other places to go. And the inconvenient truth -- the inconvenient truth here is that there are places to go. There's Bridgewater and there's Stow. There're two other places in the state. It might cost a little more money to get that certification and training there, but it certainly isn't going to stop firefighters from training. At least once a week I drive by West Barnstable and I see the department volunteers and so forth out on the yard doing whatever types of trainings they can do on site, and that's what we need to start doing. We need to stop the water use at this academy.

Commissioner BERGSTROM: Well, you know, Pat, I just want to say that even though we had that meeting with the Fire Chiefs, no decision was made to go back on our shutting off that water on the 15<sup>th</sup>.

COMMISSIONER BEATY: Right.

Commissioner BERGSTROM: I mean that's as it stands. I know people want to shut it off tomorrow, but we have commitments we have to -- so that, as I say, no change in that decision has been made.

But one thing I do want to turn over to Jack because I've heard a lot about this this equipment being put there and, you know, people anticipate, well, you're still going to have stuff going on because you're moving the stuff here.

Jack, do you -- the equipment, the new equipment that we ordered is a mobile unit; do you know what I'm talking about?

Administrator YUNITS: And it's four to six months out.

Commissioner BERGSTROM: Its four to six months out. So, it's not going to be delivered to the Fire Training Academy. Okay. That's --

Commissioner BEATY: The other thing, and you can correct me if I'm wrong; I don't think the Bridgewater training site exists yet in any case. I know there's a proposal. Tim Whelan was trying to get that going.

Administrator YUNITS: Bridgewater's three years away.

COMMISSIONER BEATY: It's three years away, so what are we going to do between now and, you know, what are you going to stop all training for years? See, we're trying to balance environmental protection with public safety needs. So --

Delegate PRINCI: You can't balance science though.

COMMISSIONER BEATY: We'll you're trying -- you're between -- we are between a rock and a hard place here. So --

Commissioner BERGSTROM: Just let me -- the reason that we continued the training until the 15<sup>th</sup> was not because we wanted the money or something like that. It's just it was so abrupt that it didn't give the opportunity to people who were scheduling that training to, you know, it's like tomorrow you're going to show up tomorrow and we'd say, hey, you can't come there, so we thought that that would be a reasonable amount of time so that people who were scheduled for training after the 15<sup>th</sup> and we had several -- I mean I think the -- Buzzards Bay, the Academy down there, the Maritime Academy was scheduled to come in; we told them they couldn't.

So, it just gave people enough notice that they could make other arrangements. I had a Fire Chief come to me at the Town Meeting yesterday, the chief in Chatham, and thanked me for supporting the fire trainers. And I said, well, I, you know, don't thank me right away because we still have to make other arrangements.

Speaker MCAULIFFE: This is clearly a big issue for the County because every town depends on this, yet Barnstable is the one that's bearing -- the Town of Barnstable is the town that's bearing the brunt. And water quality is science, it's also emotional. People are very concerned about water and get very upset about any potential -- and I say this as a neighbor of the Barnstable Municipal Airport which dumped everything from that airport into the ground, you know, on Yarmouth's property line since the inception of the airport.

So, it's a very emotional issue, but the Fire Training Academy is the County's responsibility. So, I appreciate all the work that the administration and the Commissioners are doing on this. It is going to be a true balancing act, and a true coming of the minds to try and sort this out.

Commissioner BERGSTROM: Yes.

Speaker MCAULIFFE: Because we have needs but we also have issues.

Commissioner BERGSTROM: Well, I have to repeat this at the end. We've committed to turning that water off and stopping any kind of training with water, the minimum that we use on the 15<sup>th</sup> of June. And no decision has been made or processed; no process has been put in place --

Speaker MCAULIFFE: Nothing's changed.

Commissioner BERGSTROM: -- to change that decision and it would take an act of -- I was going to say an Act of Congress --

Speaker MCAULIFFE: Well.

Commissioner BERGSTROM: -- but it would take an act of the Barnstable

County Commission, which is almost like Congress to the Barnstable County -- I mean the town of Barnstable so.

Speaker MCAULIFFE: Yes.

Commissioner BERGSTROM: I don't anticipate that they're going to be too friendly, but I just want to say -- I just wanted to tell the Fire Chiefs that if they want to make a case, they have to go beyond us to the public and Barnstable and to DEP. Because we're only part of the issue, you know, we're only part of the certain process so.

Speaker MCAULIFFE: One of the three legs on the stool.

Commissioner BERGSTROM: Yes.

Speaker MCAULIFFE: Yes, Delegate O'Hara.

Delegate O'HARA: Thank you, Madam Chair. I agree with Delegate Princi. I mean when it comes to life and illness and, obviously, it was a clear misuse of -- not that anybody knew way back that the chemicals weren't safe. But I remember that Steve Tebo was here, and I thought he had told me -- we had a conversation, they were going to try to recapture the water. They were going to use the Fire Academy recapturing the water, and then reusing the water again. What happened to that? Did that fall apart?

Commissioner BERGSTROM: Well, what happens is -- I'm not as familiar with it as Steve, but I'm a little bit familiar with this process from my experiences with the Base. That well that pumps water can actually draw water upgrading. In other words, if you pump like crazy, you're going to draw the water upgrading and you're going to filter it. So, if the pollution has extended beyond the Fire Training Academy and we start pumping, we can draw that back into the well, into the filtration process, filter it out, and then recharge it in the ground which would -- and clear water, clean water and that will dilute -- further dilute it and -- I don't know the exact process but, basically, we use the existing well and potentially other wells to pump and treat. That's what it is. It's a pump and treat system.

COMMISSIONER BEATY: Right.

Commissioner BERGSTROM: I can't say that that's what we're going to do. We are going to have a consultant come down. But that's one of the things that we can do. It's not that we're doing it because we want to use water for the Fire Training Academy, although that might be a benefit. It's basically we want to run the groundwater through the filters to try to remediate the PFOS and PFAS that's in the ground.

Delegate O'HARA: Yes. I think that was the retreat, but I thought that at the time Steve was talking about it would be like a tight tank. In other words, the structures that are there would be set in a tight tank, a water tank, and you would fight the fires there, practice fighting the fire, and then it would go into a safe tank, a tank itself, concrete tank that would hold that water and they could gauge how much they used and how much they recapture and reuse that for putting out fire, just for fire training purposes.

Commissioner BERGSTROM: No, I'm not familiar with that process.

Delegate O'HARA: Okay. I thought that's what Steve was talking about.

Commissioner BEATY: I heard it mentioned before too, and he did speak on this item at our meeting last week, and the last thing he was -- he kept emphasizing was about everything was a moving, you know, like a bouncing ball, like a moving target with DEP and everything's been up in the air with the change in regs and so on and so forth. And they haven't got him nailed down and that's been causing issues for what they want to do, his words.

Commissioner BERGSTROM: Yes, what we really need is a containment building, so we use a containment building so that all the water is contained and can be treated.

Delegate O'HARA: Right. That's exactly what I'm suggesting. It's self-contained and reusable.

Commissioner BEATY: Well it makes sense to me.

Delegate O'HARA: Right. And it doesn't seem like a difficult -- it will be a large pool and you put the buildings in and fight fire with that.

Commissioner BERGSTROM: Well, that's the hold up on -- one of the financial obstacles to relocating to the Base is the fact that they can provide us with facilities and classrooms and so on and other facilities, but the containment building would cost about \$2 million, which at this point in the argument seems like short money.

Delegate O'HARA: It does at this point.

Commissioner BERGSTROM: I know but they may, and Jack has been move involved in this, they may already have containment buildings they use to service the planes when they had the Air Force there, in other words, when the mechanics worked on the planes. So that's an ongoing thing. It could take a while, you know.

Delegate O'HARA: Apparently, I mean it seems like communication seems to be a big issue.

COMMISSIONER BEATY: Yes.

Speaker MCAULIFFE: So, we will stay tuned then for this ongoing issue and any updates. But thank you for keeping us updated.

Yes, Delegate McCutcheon.

Delegate MCCUTCHEON: I just have one question for the guy in the brown sweater, that would be him. When we were here the last time when Mr. Tebo was here, there was quite a bit of discussion about his pay equity and it hadn't been properly adjusted; do you remember that?

COMMISSIONER BEATY: That was the Fire Training --

Speaker MCAULIFFE: That was Phil Burt. That was the Director of the Fire Training Academy.

Commissioner BERGSTROM: Oh.

Delegate MCCUTCHEON: Well then Mr. --

Commissioner BERGSTROM: I don't know, maybe that was the meeting that I missed.

Delegate MCCUTCHEON: Okay. Well, my question is did that individual have his pay adjusted and I had always understood that pay equity issues were not for the Assembly to get into.

COMMISSIONER BEATY: His pay was split up.

Commissioner BERGSTROM: Oh. Jack, why don't we ask Jack because he --

Speaker MCAULIFFE: Well, that was resolved. That was answered at that meeting.

Delegate MCCUTCHEON: That's what I thought.

Speaker MCAULIFFE: Yes, so there is -- that has been resolved, and there is - the Executive Director of the Fire Training Academy is making about 81-\$82,000, which is double what the deputies were making, which is what appeared on our sheet. So that has been

resolved.

Delegate MCCUTCHEON: Right. What concerned me was that there was a lot of concern about the gentleman's pay being comparable with others of his ilk; I guess that's the right word. But there was no discussion of the pay equity for the woman who came after him in presentation. And I had always understood that those issues were beyond our reach.

Commissioner BERGSTROM: I wish I could comment. I could comment on that, but it would come from someone who probably doesn't know what he's talking about.

Delegate MCCUTCHEON: Okay.

Commissioner BERGSTROM: So, all I can say is that the fire training -- my understanding of the Fire Training Academy and John Ohman and I were on this case for years when we sat on the Assembly together that it's run much better, much more efficiently, and much more accountability right now than it ever has been in the past.

Speaker MCAULIFFE: Right.

Commissioner BERGSTROM: You know, and we've cleared up some of the administrative problems and some of the oversight problems and who has access and who doesn't. So, having someone in place for \$8,000 to make sure that that's run properly given the challenges, I think, is probably well worth it. And we're going to continue to see that it's done that way.

Speaker MCAULIFFE: Thank you.

Delegate MCCUTCHEON: Thank you.

Speaker MCAULIFFE: It's 4:30, Mr. Bergstrom.

Commissioner BERGSTROM: Yes, I've got to move.

Speaker MCAULIFFE: I don't mean -- I'm not pushing you out, but I know you said 5 o'clock in Bourne, correct?

Commissioner BERGSTROM: I seem to have taken on responsibilities which now --

Speaker MCAULIFFE: Involve DCPC in Bourne.

Commissioner BERGSTROM: -- don't seem -- don't seem as enticing as they were when I took them on, but I'm off to Buzzards Bay. So, thank you.

Speaker MCAULIFFE: Oh, Buzzards Bay.

Speaker MCAULIFFE: Our next item would be communications from public officials? Seeing none.

### **Summary of Communications from Members of the Public**

- **Tom Cambareri spoke to the Assembly regarding cleanup funds and water quality issues related to the Fire Training Academy**
- **Dave Schropfer spoke to the Assembly regarding the Regional Transit Authority, County Dredge Program, and Human Rights Proposed Ordinance 19-02**

Speaker MCAULIFFE: We'll move to communications from members of the public. Mr. Cambareri, welcome.

MR. TOM CAMBARERI: Thank you. Nice to see you, all, again. I am enjoying retirement since January and active on some other issues that concern you that I'm

here to talk about today.

So, I'm speaking as a resident of the Town of Barnstable and a Hyannis property owner. My comments don't reflect anything or those of the Cape Cod Commission where I was Water Resource Program Manager for 30 years.

My family regularly drank, bathed, and cooked in the water from these Hyannis wells for decades during a period where there was probably PFAS in this water but we just didn't know it, and not even me who was in charge of this cleanup for many years.

So, I'm here to urge you you're your support for this 2019 ordinance for the appropriation of \$500,000 for the cleanup of the Fire Training Academy or for the next steps that were for it.

And I just want to say as a former cleanup manager, I did present a proposed budget of around \$340,000 to pursue a comprehensive cleanup project in the spring of 2017. It was not responded to by the administration and, in fact, the next County appropriation didn't happen until December of that year for \$200,000 to purchase a Marine Fire Training apparatus. So, at the exact same time that the County was confronted with a serious contamination liability, it is my opinion that the executive that's pursuing the program to reinventorize training on a contaminated site. It was at that time that I resigned my tenure as your cleanup manager in 2018.

But that's water under the bridge. The cleanup of contaminated soil and groundwater at the academy is an important County responsibility. The task will be challenging. The cleanup will be significantly more expensive and lengthier if live training is continued. In fact, the pursuit and public positioning about training has been a distraction to the cost-effective cleanup solutions that are available.

I bring this up because the County has received three bids to install a new firefighting apparatus at the cost of nearly \$500,000, some of it from grant, some from that previous appropriation. The delivered units are designed as a permanent structure, just about anything you build these days is freightable across the roads; you could say it's mobile. But once it's designed and in place on a concrete rebar pad, it's a permanent structure; it is not mobile.

The cost is significant and it's contrary to the cessation of live training and will make the cleanup task at the site impossible for how to deal with the soil, how to deal with the groundwater.

We mentioned the issue about where the County stands on this issue and, yesterday, at the Hyannis Civic Association there was still some great angst about the direction because of the meeting last May -- I mean last week. We also know that DEP in a written letter to the County supports that cessation of live training and urges the County to continue with an evaluation on a permanent cap over this site, and that is from the DEP.

So, on the issue of water use, the factual water use records from the Hyannis Water Department indicate that over half a million gallons of water are used per year of the site over a portion of this site, and that significantly exceeds the amount of water that's coming from rainfall.

But let's make this clear, it's not whether it's fire training water or precipitation water; water is water and then when it hits that site and infiltrates the contaminated soil, it contaminates groundwater. And that's the responsibility under the cleanup laws that needs to be addressed. And that is essentially what the new PFAS standards at DEP is aired basically

verify the fact that the concentrations we see in the soil are problematic and need to be dealt with.

So, I urge the County to take positive action on the appropriation before you, and that the Assembly actively participate in these important decisions and deal with it jointly with this extraordinary liability. And I would say, you know, this liability is not unlike the numerous mom-and-pop gas stations, municipal landfills, industrial sites, and military installations that have had to deal with this same problem. It is a problem, and I urge that the region show that you take it seriously and cease the training so that an appropriate cleanup can be pursued.

Speaker MCAULIFFE: Thank you, very much. Anyone else from the public?  
Mr. Schropfer.

Mr. DAVID SCHROPFER: Thank you, Madam Speaker. I rise to speak about a number of things. Number one, I heard comments about the Regional Transit Authority. I'm a member of that authority and we were investigated and thoroughly reviewed in terms of the operations of our RTA, which we're one of six in the state. We were number one in quality of service and it managed enough monies, and in creating services like the Dial-A-Ride and other kinds of services for people. Some of these services that we provide are horrendously expensive, and we are looking at ways of still providing the service and lowering the cost, which gives us an opportunity to do more things.

In case it hasn't been widely disseminated, the Registry of Motor Vehicles is moving to the same building here in town and that will be over the next couple of years. The ground hasn't been broken on moving yet.

Number 2 that I'd like to talk about is Ordinance 19-11, which is the Dredge. As a former Select Person, I can't tell you how valuable having a County, which almost no other towns in this state have, just one other group of towns around Franklin County, how valuable it is that something as expensive as that because Orleans and Eastham have looked at sharing the purchase of one to which I would say you have no idea what a responsibility that is and what a cost that is, and the utilization of it between those two towns would be rather infrequent. But with the County doing this kind of work, it is highly valuable, saves the towns a lot of money, and it's something that all of the towns can share in its use. And, lastly, I'm referring to the Dredge issues.

And as to 19-02, which is one of the last items on the agenda, may I hold my remarks until that comes on?

Delegate OHMAN: No.

Speaker MCAULIFFE: It's not a public hearing, so all public comment is during this part of the meeting. And then, typically, when we're in session, we don't entertain public comment, sometimes staff comment. But it would be wise to make your comments now, and we will remember them.

Mr. DAVE SCHROPFER: Very good. Thank you. They are extremely brief as opposed to my previous ones. The issues that we had, we were certainly intense on getting budgets resolved, hiring resolved. That has been done by the Assembly and by the Commissioners, and we went out to seek resumes and we've had a substantial number -- I'm not quite sure what that number is but it's a substantial number of people applying. The opportunity closes on Friday the 17<sup>th</sup>, so we're very grateful that we got all those issues resolved.



best to do so. But this money is intended to help us support the cleanup as we devise a strategy with DEP going forward.

I also want to point out that it's certainly not my nature to throw in the towel when there's a good fight to be had. But when I'm spending other people's money to sustain that motivation, it's not appropriate. We learned that when Barnstable filed suit against us the first go around and, quickly, Chairman Cakounes, myself, and Mark Ells got together and realized that we were giving lawyers a lot of money when the money should have been going into the ground to fix this problem. So we settled very quickly.

We're in the same box here. DEP -- if somebody had to read the tea leaves, and DEP was coming to its wits end. Something had to be done. Now we have a site that will be clear of activity and we can talk about long-term solutions to cleaning this because as you so aptly stated, Madam Speaker, we are not the sole point source here. We don't know where the plumes come from. We don't know why it's there, but we do know that the people of Hyannis deserve 100 percent of our attention and the maximum amount of our physical ability to help them out in this particular crisis, and we're committed to doing that, and that's why we ask you for this 500,000 tonight.

Speaker MCAULIFFE: Okay. Is there anyone signed up to speak on this?

Clerk O'CONNELL: Yes, Tom.

Speaker MCAULIFFE: Okay. Tom already spoke.

Clerk O'CONNELL: Yes.

Speaker MCAULIFFE: Okay. And there's no one else who, from the public, who wishes to speak? Okay. Then I will close the hearing on proposed --

Delegate KILLION: I just have one question.

Speaker MCAULIFFE: Oh, I'm sorry. I didn't see your hand. So subtle.

Delegate Killion.

Delegate KILLION: Thank you, Madam Speaker. We had discussed at one time is the County still engaged in litigation with the manufacturer of this product?

Administrator YUNITS: Yes.

Delegate KILLION: And so, there is hope that someday --

Administrator YUNITS: Yes, as is the town of Barnstable.

Delegate KILLION: -- these funds will be recovered?

Administrator YUNITS: Yes.

Delegate KILLION: Three to five years? Does anyone have any idea?

Administrator YUNITS: I don't think it will be that long honestly.

Delegate KILLION: Yes.

Administrator YUNITS: The federal courts move pretty fast today. My understanding is that this is a case that might probably get itself into some type of binding mediation. There are 70 cases of common facts that are in before the federal court in Charleston, South Carolina, that have been merged by order of the courts.

So, 3M, obviously, and DuPont have a lot to consider on the table. Remember they already paid finds for nondisclosure of these problems that they knew for three decades before they reported to the surface. So, we feel pretty confident that there's enough there to give us reason to hope. It probably isn't going to solve our problem alone.

And I applaud Senator Cyr for filing that bill yesterday to keep the stakeholders together because it's going to be an expensive proposition. It's not going to be

just the Fire Training Academy; it's all over Massachusetts so.

Delegate KILLION: Thank you.

Speaker MCAULIFFE: Am I missing anyone?

Clerk O'CONNELL: No.

**Speaker MCAULIFFE: Now I will close the hearing for 19-09, the Supplemental Appropriation Fire Training Academy Cleanup Fund for \$500,000.**

**Public Hearing on Ordinance 19-10**

Speaker MCAULIFFE: Our next hearing is on Ordinance 19-10, and this is an FY19 Appropriation Transfer for Other Post-Employment Benefits. And I see in parentheses that there's an acronym there that has a "B" instead of a "P," it's a typo. So, it's OPEB Fund.

And I want to just point that out because it is just the acronym but the correct wording is in front of it. So, it's Other Post-Employment Benefits, and this is for \$850,000, and these are perhaps money that you could just tell us about.

**Proposed Ordinance 19-10:**

**WHEREAS, Post-Employment Benefits are earned by employees over years of public service and Barnstable County is responsible for the future liability of the Other Post-Employment Benefits of its retirees; and**

**WHEREAS, it is prudent and wise financial management to plan for the impact of future liabilities which are burdensome and created over these years of service; and**

**WHEREAS, the Board of Regional Commissioners accepted the provisions of Chapter 32B, Section 20 of the Massachusetts General Laws on July 20<sup>th</sup>, 2016 which enabled the creation of an Other Post-Employment Benefits (OPEB) Trust Fund; and**

**WHEREAS, Barnstable County is committed to funding Other Post-Employment Benefits;**

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

**SECTION 1: That, in order to meet the objectives of measurement and funding of this liability, the sum of Eight Hundred Fifty Thousand Dollars (\$850,000.00) be transferred from available funds to the Other Post-Employment Benefits (OPEB) Liability Trust Fund of Barnstable County subject to the terms and conditions of the Trust Fund created for this purpose. Said funds shall be derived from Unreserved Fund Balance in FY2019.**

Administrator YUNITS: Back in 2016, we came before the Commissioners and we asked them to adopt Chapter 32 relative to the OPEB laws, and we began to put money into an OPEB reserve while we prepared the OPEB Trust documents.

This week, as Chairman Bergstrom has told you, we met and retained Rockland Trust, their Endowment Division, to manage the OPEB Trust, and we'll be depositing \$850,000 into that trust to start the process.

It's our hope that there will be continuing contributions in and around the \$100,000 range going forward every year in the annual budget in addition to the money that Rockland Trust will bring in on top of to help us fund the obligations at the time, but this is a start.

Speaker MCAULIFFE: Do you have a ballpark on what the obligation is, the

total obligation? Tens of millions.

Administrator YUNITS: I want to say 13 million.

Speaker MCAULIFFE: Yes, okay.

COMMISSIONER BEATY: Ultimately 13.

Speaker MCAULIFFE: So, this is a small step. And lest anyone get nervous, everyone has this responsibility, the municipalities, regional school districts, everyone who has employees has this, and it kind of came as a shock to everyone that all of a sudden there were millions of dollars out there of responsibility that, frankly, the state will give you credit for just making a plan to try to resolve it at one point.

Now I'm glad to see that there's serious money, and I consider \$850,000 serious money being put into this because, you know, it will come due and we need to be prepared.

Administrator YUNITS: And many kudos to Mary McIsaac, who is probably sitting out at Sandy Neck right now with a bottle of wine, no longer an employee of the County.

Speaker MCAULIFFE: With her feet up.

Administrator YUNITS: But she did yeoman's work on this.

Delegate PRINCI: Where did she go?

Speaker MCAULIFFE: She retired. Mary McIsaac, our former Financial Director, took advantage of -- she was one of the people who took advantage of the early retirement so.

Do we have any -- we don't have anyone signed up for this. Anyone who wants to -- any questions from --

Deputy Speaker MORAN: Just one.

Speaker MCAULIFFE: Yes, Delegate Moran.

Deputy Speaker MORAN: Just a quick question; will this contribution have a positive effect on the County's bond rating?

Administrator YUNITS: Absolutely. Especially if we dedicate a continuing investment on that trust. One of the greatest things you can do -- in the S&P Report that you recall that were issued a couple years ago was one of the things they touched upon, the need to get the OPEB Trust account up and funded. And it's a sizable amount for a small county to begin with.

Speaker MCAULIFFE: Yes. Okay.

Administrator YUNITS: So, this should have a very positive impact on the bond rating.

Speaker MCAULIFFE: Great. And just to clarify too, we had talked once upon a time about the Cape Light Compact and their responsibilities, they're no longer tied to us anyway financially. So, they're responsible for their own OPEB?

Administrator YUNITS: That's correct.

Speaker MCAULIFFE: Okay. Just things at the end were a little murky. So, I will close -- Yes, Delegate McCutcheon.

Delegate MCCUTCHEON: Yes, I had a question. Is there -- are there any restrictions or monitoring on who gets the early retirement and the extra pay that goes with it?

Speaker MCAULIFFE: Yes. It was very significantly vetted, and it wasn't just given to everyone who wanted it. It was each one was individually considered, and the

financial benefits of each position were worked out so that it wasn't going to be a cost to the County as opposed to a benefit or a savings to the County.

Delegate MCCUTCHEON: Is there a report on this?

Speaker MCAULIFFE: Well, you're in the process of just having the retirement start now, so perhaps in another month or two we could get the final because this has just been worked on in the last several months. It wasn't even in place when we did our budget.

Delegate MCCUTCHEON: Well, the reason I ask is because there have been over the last 5 to 7 years a lot of, throughout the state, there have been a lot of early retirements, and I think the bonanza was here on the Cape, public employee stipend of the year, right, was the Administrator in Wellfleet who had been a Town Moderator for a dollar a year for 20 years, took a job with the County for -- with the town for three years, average of the three highest years is your retirement. So, the dollar a year gave the time and the full-time pay over \$100,000 a year is what the basis for the pension.

Now, you know, I make no particular comment on the individual; I think it was perfectly legal. But Mary had only worked for Barnstable County for a year or two; is that right?

Delegate OHMAN: Three.

Speaker MCAULIFFE: But she had other service and not at a dollar a year, at a comparable job description. But we can get a report of the positions and perhaps longevity, but it was not done without looking at the cost benefit analysis to the County.

Delegate MCCUTCHEON: Thank you. I would like to see that.

Speaker MCAULIFFE: Yes.

Administrator YUNITS: Thank you.

**Speaker MCAULIFFE: Okay. So, I will close 19-10, FY19 Appropriation Transfer for Other Post-Employment Benefit Fund to \$850,000.**

### **Public Hearing on Ordinance 19-11**

Speaker MCAULIFFE: And I will open the hearing on Proposed Ordinance 19-11, and this is Authorization to Borrow and Purchase a new County Dredge, and this would be through the Dredge Enterprise Fund and its one point -- is it 1.2 or 1.3 million? 1.3 million and, perhaps, the Administrator could give us just a brief statement on that as well.

### **Proposed Ordinance 19-11:**

**WHEREAS, the Assembly of Delegates adopted Ordinance 18-05 on May 2, 2018, which ordinance was subsequently approved by the Board of County Commissioners (the "Commissioners") on May 9, 2018 (the "Initial Ordinance"), which appropriated \$388,000.00 to pay costs of purchasing various items of capital equipment and authorized the borrowing of such amount to meet that appropriation; and**

**WHEREAS, since the adoption and approval of the Initial Ordinance, Barnstable County has received additional information regarding the maintenance the channels and harbors of the towns of Cape Cod, including (i) the substantial increase in the number of dredging projects to be undertaken, (ii) mechanical and other problems with the existing Barnstable County dredges, and (iii) an extension from The Commonwealth of**

**Massachusetts of the timeframes in which the Barnstable County can operate dredges; and**

**WHEREAS, a new dredge is needed, in addition to the existing dredges operated by Barnstable County, to properly maintain the channels and harbors of the towns of Cape Cod;**

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

**SECTION 1: That, in order to properly maintain the channels and harbors of the towns of Cape Cod, the additional sum of One Million Three Hundred Thousand Dollars (\$1,300,000.00) be appropriated to pay costs of the purchase of a new dredge, including the payment of all costs incidental and related thereto;**

**SECTION 2: That for the purposes set forth in Section 1, the County Treasurer, with the approval of the Commissioners, may borrow such sum from time to time, on the credit of Barnstable County, and may issue bonds and/or notes therefor; and**

**SECTION 3: That all bonds or notes issued pursuant to this ordinance shall be signed by the County Treasurer and countersigned by a majority of the Commissioners. Barnstable County may sell securities at a public or private sale upon such terms and conditions as the Commissioners may deem proper but not at prices of less than par value. Indebtedness incurred under this proposed ordinance shall, except as herein provided, be subject to Chapter 35 of the General Laws.**

Administrator YUNITS: This is -- the Dredge was, this past year, was one of our biggest challenges. I do want to say that the crew has come together and done an incredible job catching up. There will be a couple projects we don't get to this year, but we'll get to in the fall so that we'll comply with the MassWorks obligation to have all the projects completed in 2019.

However, what we found is that we really do need two dredges, significant operating dredges just given the new MassWorks Program and the number of communities who've taken advantage of those dollar-for-dollar matches.

The two dredges that we have presently, the Codfish is 20 years old. That's coming out of the water when it finishes in Falmouth in a couple weeks and it's heading over to Fairhaven. Hopefully, we'll be able to save it. It will be converted to a dredge/boost boat so that we'll have a mobile booster that can follow the major dredge projects as we go forward in the future.

The second dredge, the newer dredge, the more technologically advanced dredge is a little bit too complex for some of our crew is also being taken out of the water at the expense of the manufacturer and it's being retrofitted and simplified, and that will be back in and effective. Now that the Ellicott manufacturers have a year to observe it in action, it understands what changes have to be made to make it adaptable to Cape Cod waters. And that will be in the water again in the fall. But the new dredge became a critical part of keeping up with the MassWorks program.

It's my hope that if we have a successful year in 2019 and 2020 that we can re-approach MassWorks and roll the BAN into a state note of some sort with some state contribution. But for now, we have to make the move because the towns rely on us too much, and we feel pretty confident going forward. There's going to be a whole new staff in play; I don't mean new people but a whole new depth chart. We've hired Fauth Consulting to come

in and help us set it up and work with the towns, streamline the permitting with the towns, and make sure that we're running as an organized little business, and finally the new equipment, this new dredge. We should be able to compete.

That dredge -- we ordered a dredge out of the box, so to speak, in other words a dredge that they manufacture on a regular basis, so it could be here by September. So, taking action on this tonight is critical for us to maintain that timeline and sign the agreements as soon as we can with Ellicott. The new dredge will be a Codfish-type dredge, which is much more relevant to Cape Cod waters than the dredge that came up last year.

So, we're pretty optimistic about it. We know it will make the program work; we feel confident about it; the crew feels confident about it, and they were involved in this process.

The other thing we did this time around that they didn't do in 2015 when they designed and ordered us a dredge is we had an engineer work with us, so he knows the needs specific to our demands, and it will make all the difference in the world is having a dredge that's ready to go.

Speaker MCAULIFFE: Thank you. There's no public comment so -- Yes, Delegate O'Malley.

Delegate O'MALLEY: I want to be sure I'm understanding. One of the issues we had this year, I believe, was the Chatham site was the distance that the sand had to be moved and that the new dredge, the Sand Shifter, couldn't handle it. Is the pump you're talking about the old Codfish? Is it being converted into an extension pump?

Administrator YUNITS: That really depends on what the bottom looks like when they take it out. It's been a while since the Codfish has come out of the water. We don't know if the hull's sustainable or whether it's repairable or whether it just has to be mothballed. Our hope is that we can save it and then have Fairhaven Boat Yard put in some type of conversion apparatus to make it a booster pump as well. That would solve a lot of issues for us going forward. You're right about 12,000 feet of pipeline with a booster is a tough proposition, but it was mostly the current in Chatham and the places they had us dredge. And having a consultant on board who's familiar with this field will help us better designate where the dredge is going to go and what the permit should read.

Speaker MCAULIFFE: Delegate Green.

Delegate GREEN: Thank you, Madam Speaker. I know Wellfleet is a challenge. Is there any part of Wellfleet that can be helped by either one of these two new dredges?

Administrator YUNITS: You know, if the Army Corps continues to put Chatham off in the main channel, we could probably do that. But the inner harbor is all silt and that's a different kind of dredge.

Delegate GREEN: You mean Wellfleet, not Chatham?

Administrator YUNITS: Wellfleet, yes.

Delegate O'MALLEY: Wellfleet.

Administrator YUNITS: Yes, the channel is an Army Corps Channel in Wellfleet, and it's a big channel. But I do believe it's mostly sand as opposed to the inner harbor which is all silt and a lot more complicated project. We don't have the equipment.

If the Commonwealth wanted to pay for the equipment, could we do it? Yes. But we'd have to hire people, but they could certainly do it under the County if it becomes too

expensive in the private sector. I've heard estimates of \$23 million to do your harbor so.

Delegate GREEN: Thank you.

Speaker MCAULIFFE: Delegate O'Hara.

Delegate O'HARA: Thank you, Madam Chair. Well, Jack, we know we went around in Mashpee a little bit, and my question is you mentioned that you would like to service some of the state dredging requests that have come in along the way. I don't know what that might be. I know that Chatham was a state contract that you would've had, and you were looking to do more.

My concern is, because each of these towns, we all depend on the dredge for maintenance dredging just to keep our channels and bays open, and that's most important to us. I mean to get everybody here, that's what it's all about, keeping our bays functioning. When seasons hit, ready to go, we're all moving. Whereas, the other dredges are more of a major dredge, not a maintenance dredge but a substantial dredge which ties up the machine for an awful long period of time and then all the problems that go along with dredging and the pumps and all of these things.

Is this going to cause us a problem down the line, similar to what has happened this year where the dredge would be promised at a specific time to the state, which would take priority over the local towns and causes a real problem? And in my opinion, those dredges by the state request should be contracted out. Those are independent contractors. Our dredge is our dredge meaning the other counties -- the towns within the County and our work comes first, not second to the state. Do you know where you stand on that?

Administrator YUNITS: Well, the MassWorks grants that we do are only Cape Cod. We don't go off the Cape. They're Truro; they're Barnstable; Chatham is a MassWorks. Right now, we're heading to Allen Harbor, that's the MassWorks. The two we'll be doing in Falmouth are MassWorks. Bass River is MassWorks. And what it does is it saves the town 50 percent on cost because the state matches it. So, it's a huge thing for them.

And like I said, the difference is, and you're all human factors' experts, because you're elected officials, you understand the dredge program just outgrew the superintendent, who was a wonderful guy and a great dredge leader for years, but it got too complex and too complicated. So that's why we decided to consult out, bring it forth to help us make sure we have a schedule the towns can count on. You can't fight weather, but you can certainly give them a barometer for when you think you're going to be there.

Delegate O'HARA: Yes.

Administrator YUNITS: And that's what we're trying to do with the consultant.

Delegate O'HARA: And I get that and my real concern is if we're taking on more of the state grants' work, are we putting our towns on the back -- if the machine is going to be stuck in Mashpee for four weeks or five weeks instead of two weeks, that pushes the work further and everybody has a bigger dredging request with the state use, is that going to be too much for us to handle and because it's only going to hurt each of our towns if you can't get to it. A lot of these harbors and channels are closed up after the winter.

Administrator YUNITS: You know, you bring up a great point because the two jobs we open up with in the fall and on Cape Cod you really can't -- you can do the other channels but that's about it until Columbus Day. The harbors are just way too busy until then. And the first two jobs we start with are huge projects; Bass River from the bridge all the way

out and back to Barnstable, which is another 12,000 feet of pipe. So, these are three projects that we're hoping the consultant will look at as we go forward and give us better advice. Maybe we shouldn't do more than 6,000 feet going forward. Maybe we should cut it off at that point. But that's a good point because it's, strategically, you really compromised the program.

Delegate O'HARA: You take on too much.

Administrator YUNITS: We take on too much, right.

Speaker MCAULIFFE: And, hopefully, the second dredge will either --

Delegate O'HARA: No, I'm all for the second dredge, no question, or third.

Speaker MCAULIFFE: Yes, and this is an Enterprise Fund so it -- it's a pay-for-itself kind of operation.

Yes, Delegate Ohman.

Delegate OHMAN: Thank you, Madam Chair. Jack, a couple -- there's so many things on my mind about dredging including going upstream for reducing total maximum daily loads. But leaving that aside for the moment, there was always talk about streamlining with Cape Cod, streamlining the permitting and getting things in order quickly so that you could maximize the two dredges that we'll soon have. Is there any movement on that?

Administrator YUNITS: Again, that's why we asked Fauth Engineering to come on board with us.

Delegate OHMAN: Okay.

Administrator YUNITS: We're going to create a data bank with the Cape Cod Commission through their GIS systems so that we can start to get a long-term analysis of what's really going on out there.

I agree with you a hundred percent. The hells of Bass River, for instance, going all the way back to Follins Pond is in critical, critical shape because of nitrogen pollution, and we have to open it up somehow, same with Swan Pond in Dennis. There're ponds in Mashpee we have to open up.

So, this is what the importance of having a good consultant. Now the consultant we hired, Fauth, the reason we chose Fauth is that they gave us a range of services that started on the deck, even to the type of equipment we were best suited to need in the future, the type of staffing we're going to need, but more importantly building this database so we could streamline permitting going forward.

Maybe in Chatham we're in the wrong place to get to the North Cut. These are the kind of things we have to look at. Maybe we should buy a long arm to get to the North Cut. And that would depend on how many places we're going to use it going forward.

Delegate OHMAN: And there's hurdles with the DMF too, the Department of Marine Fisheries, that they control when you can dredge according to mating habits of certain mammals and species, fish species, is this consultant aware?

Administrator YUNITS: Yes.

Delegate OHMAN: And are we able to interact with that set of problems?

Administrator YUNITS: Yes, this is the consultant that has been doing regional permitting for over 25 years. So, they're certainly thoroughly aware with that, and they have -- a background check on them -- they got great comments from the Commonwealth Regulatory Agency. So that helped us a lot.

The other thing I wanted to say is its reason why having multiple towns own a dredge may not be the best idea because the choice is going to affect them all at the same time and who's going to get the dredge? So, this is why scheduling is important, continuity's important, and really having a good Advisory Board is important, and the Advisory Board is generally the harbormasters.

Delegate OHMAN: And one last thing, there was talk a long time ago they identified (Indiscernible) things specifically of Brewster who really can't take much advantage of the dredges because they don't have a deep harbor. And Sandwich is going through incredible problems with shifting sands and losing beachfront.

There're two places off the bay that there is considerable opportunity for sand mining. Has there been any thought of taking advantage of sand mining and replenishing from the bay back to -- especially these two towns with a really serious problem is?

Administrator YUNITS: I know the Commonwealth has had a great deal of reluctance to do sand mining. Down south they do it all the time, especially in the Carolinas and Georgia. So, it's certainly something I'm going to ask the consultant to look at because it makes a lot of sense in a lot of places like Sandwich.

Delegate OHMAN: Rob O'Leary identified that through the Ocean Management Plan two very large areas very conducive to that, one off of Sandwich and one off of Brewster, that I know we have to get special dispensation. We had to go through a legislative process to get there, but it's so important especially for those two towns that I feel like it would be nice if it was in a regional basis to take one of our sister towns and give them at least some advantage of having a dredge.

Administrator YUNITS: Yes, especially with the waters rising the way they are. Coastal resiliency is no longer a future issues; it's a present issue and concern.

Delegate OHMAN: Thank you.

Speaker MCAULIFFE: And I don't know if this fits in, one of the committee's I've sat on on the Cape Cod Commission, a lot of the Cape Cod Bay is Right Whale breeding habitat, and you're very limited at certain times a year about what you can do as well. So that may be part of the confounding issues.

Delegate OHMAN: Yes.

Speaker MCAULIFFE: I know we were charged with -- tasked with looking at where you could put wind turbines offshore, and the Right Whales took the whole Cape Cod Bay right off the table. Ironically, the only place that was suitable was right off Yarmouth. I said, "Wait a minute."

Yes, Delegate Killion.

Delegate KILLION: Thank you, Madam Speaker. Mr. Yunits, you detailed earlier about the work that's yet to be done to the newer dredge that the factory is going to take care of, and I understand there's a fair amount of retrofitting. They're going to replace a lot of the sophisticated components with much simpler ones.

So, do I understand that this new dredge is going to come from the same manufacturer?

Administrator YUNITS: Yes.

Delegate KILLION: So are you confident that they're going to be able to meet the needs of the County and deliver a dredge that's ready to go as soon as we get it.

Administrator YUNITS: I think this is a more typical dredge that they

manufacture. The last one -- the last one had a lot of specs on it that were not scientifically, properly, or engineering-wise, I should say, relative to what we needed. And that had a lot to do because of the input they were getting from our staff back in 2015. They were trying to go to the next level, and it just didn't work. So, it wasn't really all the manufacturer's fault, certainly some of it was and that's why they've agreed to pull the boat out and fix it.

The major part of the problems are their design. They've had the same problems in the South with this same boat. But this we feel confident will work. Again, we had an engineer with us half the winter watching us and telling us what we needed, and that goes a long way in making sure you get it done right.

Delegate KILLION: And this consultant's been very involved in selecting the new dredge?

Administrator YUNITS: No, consulting was not, no.

Delegate KILLION: So --

Administrator YUNITS: We did put out an RFP and there's was only one responding. So that made the decision a little bit easier.

Delegate KILLION: Who drafted the RFP with the specs that we need?

Administrator YUNITS: Well, the specs were drafted by the engineer and the captains.

Delegate KILLION: Okay.

Administrator YUNITS: And we participated.

Delegate KILLION: Okay. Thank you.

Speaker MCAULIFFE: All right. Thank you. No public comment.

Questions answered. I'll close the hearing on Proposed Ordinance 19-11, Authorization to Borrow and Purchase new County Dredge through an Enterprise Fund for 1.3 million. Thank you.

### Assembly Convenes

Speaker MCAULIFFE: We will now convene the Assembly. We will discuss and vote on these three ordinances.

#### **Proposed Ordinance 19-09:**

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

**To transfer funds to the Restricted Fund for Fire Training Clean-Up, by making a supplemental appropriation for the Fiscal Year two-thousand and nineteen.**

#### **Section 1.**

**Based on the review of available funds of Barnstable County in the current fiscal year, made as of March 31, 2019, the sum of Five Hundred Thousand Dollars (\$500,000.00) subject to the terms and conditions of the restricted fund created for the purpose of funding the clean-up efforts at the Fire Training Academy site, are hereby transferred from available funds as a supplemental appropriation for Barnstable County. Said funds are to be expended for the clean-up efforts at the Barnstable County Fire Training Academy site. Said funds shall be derived from Unreserved Fund Balance in FY2019.**

**TOTAL SUPPLEMENTAL APPROPRIATION \$500,000**

The first Proposed Ordinance is 19-09, the Supplemental Appropriation for Fire Training Academy Cleanup Fund. Is there a motion to put that on the table?

**Delegate O’HARA: Motion to put it on the table.**

**Deputy Speaker MORAN: Second.**

Speaker MCAULIFFE: Any further discussions or comments? Yes, Delegate Ohman.

Delegate OHMAN: Thank you, Madam Speaker. I’m all for anything we can do to aid in the cleanup, and I think this is a very necessary step, and I think we’ve sort of run out of options, you know. It’s going to get more expensive and harder to do as time goes on, and I’m highly in favor of this.

Speaker MCAULIFFE: Any other comments? Are we ready for a vote?

Delegate O’HARA: Yes.

Speaker MCAULIFFE: Okay. This will be -- you see the three options in front of you. Hopefully, you’ll know it. Delegate O’Malley, is your working?

Delegate O’MALLEY: It’s blinking.

Speaker MCAULIFFE: Everybody’s blinking? Okay.

**Roll Call Vote on Proposed Ordinance 19-09**

**Voting “YES” (97.27%):** Mary Chaffee (4.55% - Brewster), J. Terence Gallagher (2.30% - Eastham), Lilli-Ann Green - (1.27% - Wellfleet), Elizabeth Harder (5.67% - Harwich), James Killion (9.58% - Sandwich), E. Suzanne McAuliffe (11.02% - Yarmouth), Deborah McCutcheon (0.93% Truro), Susan Moran (14.61% - Falmouth), Thomas O’Hara (6.49% - Mashpee), John Ohman (6.58% - Dennis), Brian O’Malley (1.36% - Provincetown), Randi Potash (2.84% - Chatham), Patrick Princi (20.92% - Barnstable), Linda Zuern (9.15% - Bourne).

**Absent (2.73%):** Christopher Kanaga (2.73% - Orleans).

Clerk O’CONNELL: Madam Speaker, Proposed Ordinance 19-09 passes with 97.27 percent of the Delegates voting yes, 2.73 percent are absent, no known as Ordinance 19-07.

**Ordinance 19-07:**

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

**To transfer funds to the Restricted Fund for Fire Training Clean-Up, by making a supplemental appropriation for the Fiscal Year two-thousand and nineteen.**

**Section 1.**

**Based on the review of available funds of Barnstable County in the current fiscal year, made as of March 31, 2019, the sum of Five Hundred Thousand Dollars (\$500,000.00) subject to the terms and conditions of the restricted fund created for the purpose of funding the clean-up efforts at the Fire Training Academy site, are hereby transferred from available funds as a supplemental appropriation for Barnstable County. Said funds are to be expended for the clean-up efforts at the Barnstable County Fire Training Academy site. Said funds shall be derived from Unreserved Fund Balance in FY2019.**

**TOTAL SUPPLEMENTAL APPROPRIATION** **\$500,000**

**Proposed Ordinance 19-10:**

**WHEREAS, Post-Employment Benefits are earned by employees over years of public service and Barnstable County is responsible for the future liability of the Other Post-Employment Benefits of its retirees; and**

**WHEREAS, it is prudent and wise financial management to plan for the impact of future liabilities which are burdensome and created over these years of service; and**

**WHEREAS, the Board of Regional Commissioners accepted the provisions of Chapter 32B, Section 20 of the Massachusetts General Laws on July 20<sup>th</sup>, 2016 which enabled the creation of an Other Post-Employment Benefits (OPEB) Trust Fund; and**

**WHEREAS, Barnstable County is committed to funding Other Post-Employment Benefits;**

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

**SECTION 1: That, in order to meet the objectives of measurement and funding of this liability, the sum of Eight Hundred Fifty Thousand Dollars (\$850,000.00) be transferred from available funds to the Other Post-Employment Benefits (OPEB) Liability Trust Fund of Barnstable County subject to the terms and conditions of the Trust Fund created for this purpose. Said funds shall be derived from Unreserved Fund Balance in FY2019.**

Speaker MCAULIFFE: Thank you. Next item is the appropriation -- is the vote on the Ordinance 19-10, the FY19 Appropriation Transfer for Other Post-Employment Benefits. As I said, once again, a typo, it's OPEB Fund, and this is for \$850,000.

Is there a motion to put this on the floor?

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

**Delegate CHAFFEE: Second.**

Speaker MCAULIFFE: Any further comments or discussion? Okay. I'll call the vote.

**Roll Call Vote on Proposed Ordinance 19-10**

**Voting "YES" (97.27%): Mary Chaffee (4.55% - Brewster), J. Terence Gallagher (2.30% - Eastham), Lilli-Ann Green - (1.27% - Wellfleet), Elizabeth Harder (5.67% - Harwich), James Killion (9.58% - Sandwich), E. Suzanne McAuliffe (11.02% - Yarmouth), Deborah McCutcheon (0.93% Truro), Susan Moran (14.61% - Falmouth), Thomas O'Hara (6.49% - Mashpee), John Ohman (6.58% - Dennis), Brian O'Malley (1.36% - Provincetown), Randi Potash (2.84% - Chatham), Patrick Princi (20.92% - Barnstable), Linda Zuern (9.15% - Bourne).**

**Absent (2.73%): Christopher Kanaga (2.73% - Orleans).**

Clerk O'CONNELL: Madam Speaker, Proposed Ordinance 19-10 passes with 97.27 percent of the Delegates voting yes; 2.73 percent are absent, now known as Ordinance 19-08.

**Ordinance 19-08:**

**WHEREAS, Post-Employment Benefits are earned by employees over years of public service and Barnstable County is responsible for the future liability of the Other Post-Employment Benefits of its retirees; and**

**WHEREAS, it is prudent and wise financial management to plan for the impact of future liabilities which are burdensome and created over these years of service; and**

**WHEREAS, the Board of Regional Commissioners accepted the provisions of Chapter 32B, Section 20 of the Massachusetts General Laws on July 20<sup>th</sup>, 2016 which enabled the creation of an Other Post-Employment Benefits (OPEB) Trust Fund; and**

**WHEREAS, Barnstable County is committed to funding Other Post-Employment Benefits;**

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

**SECTION 1: That, in order to meet the objectives of measurement and funding of this liability, the sum of Eight Hundred Fifty Thousand Dollars (\$850,000.00) be transferred from available funds to the Other Post-Employment Benefits (OPEB) Liability Trust Fund of Barnstable County subject to the terms and conditions of the Trust Fund created for this purpose. Said funds shall be derived from Unreserved Fund Balance in FY2019.**

**Proposed Ordinance 19-11:**

**WHEREAS, the Assembly of Delegates adopted Ordinance 18-05 on May 2, 2018, which ordinance was subsequently approved by the Board of County Commissioners (the “Commissioners”) on May 9, 2018 (the “Initial Ordinance”), which appropriated \$388,000.00 to pay costs of purchasing various items of capital equipment and authorized the borrowing of such amount to meet that appropriation; and**

**WHEREAS, since the adoption and approval of the Initial Ordinance, Barnstable County has received additional information regarding the maintenance the channels and harbors of the towns of Cape Cod, including (i) the substantial increase in the number of dredging projects to be undertaken, (ii) mechanical and other problems with the existing Barnstable County dredges, and (iii) an extension from The Commonwealth of Massachusetts of the timeframes in which the Barnstable County can operate dredges; and**

**WHEREAS, a new dredge is needed, in addition to the existing dredges operated by Barnstable County, to properly maintain the channels and harbors of the towns of Cape Cod;**

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

**SECTION 1: That, in order to properly maintain the channels and harbors of the towns of Cape Cod, the additional sum of One Million Three Hundred Thousand Dollars (\$1,300,000.00) be appropriated to pay costs of the purchase of a new dredge, including the payment of all costs incidental and related thereto;**

**SECTION 2: That for the purposes set forth in Section 1, the County Treasurer, with the approval of the Commissioners, may borrow such sum from time to time, on the credit of Barnstable County, and may issue bonds and/or notes therefor; and**

**SECTION 3: That all bonds or notes issued pursuant to this ordinance shall be signed by the County Treasurer and countersigned by a majority of the Commissioners.**

**Barnstable County may sell securities at a public or private sale upon such terms and conditions as the Commissioners may deem proper but not at prices of less than par value. Indebtedness incurred under this proposed ordinance shall, except as herein provided, be subject to Chapter 35 of the General Laws.**

Speaker MCAULIFFE: And our final ordinance in this group is Ordinance 19-11, Authorization to Borrow and Purchase a new County Dredge in the Enterprise Fund for 1.3 million. Is there a motion to put that ordinance --

**Delegate O'HARA: Motion to put it on the floor.**

**Deputy Speaker MORAN: Second.**

Speaker MCAULIFFE: Any further comments or discussion? I'll call for the vote.

**Roll Call Vote on Proposed Ordinance 19-11**

**Voting "YES" (97.27%):** Mary Chaffee (4.55% - Brewster), J. Terence Gallagher (2.30% - Eastham), Lilli-Ann Green - (1.27% - Wellfleet), Elizabeth Harder (5.67% - Harwich), James Killion (9.58% - Sandwich), E. Suzanne McAuliffe (11.02% - Yarmouth), Deborah McCutcheon (0.93% Truro), Susan Moran (14.61% - Falmouth), Thomas O'Hara (6.49% - Mashpee), John Ohman (6.58% - Dennis), Brian O'Malley (1.36% - Provincetown), Randi Potash (2.84% - Chatham), Patrick Princi (20.92% - Barnstable), Linda Zuern (9.15% - Bourne).

**Absent (2.73%):** Christopher Kanaga (2.73% - Orleans).

Clerk O'CONNELL: Madam Speaker, Proposed Ordinance 19-11 passes with 97.27 of the Delegates voting yes; 2.73 percent are absent, now known as Ordinance 19-09.

**Ordinance 19-09:**

**WHEREAS, the Assembly of Delegates adopted Ordinance 18-05 on May 2, 2018, which ordinance was subsequently approved by the Board of County Commissioners (the "Commissioners") on May 9, 2018 (the "Initial Ordinance"), which appropriated \$388,000.00 to pay costs of purchasing various items of capital equipment and authorized the borrowing of such amount to meet that appropriation; and**

**WHEREAS, since the adoption and approval of the Initial Ordinance, Barnstable County has received additional information regarding the maintenance the channels and harbors of the towns of Cape Cod, including (i) the substantial increase in the number of dredging projects to be undertaken, (ii) mechanical and other problems with the existing Barnstable County dredges, and (iii) an extension from The Commonwealth of Massachusetts of the timeframes in which the Barnstable County can operate dredges; and**

**WHEREAS, a new dredge is needed, in addition to the existing dredges operated by Barnstable County, to properly maintain the channels and harbors of the towns of Cape Cod;**

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

**SECTION 1: That, in order to properly maintain the channels and harbors of the towns of Cape Cod, the additional sum of One Million Three Hundred Thousand Dollars (\$1,300,000.00) be appropriated to pay costs of the purchase of a new dredge, including the payment of all costs incidental and related thereto;**

**SECTION 2: That for the purposes set forth in Section 1, the County Treasurer, with the approval of the Commissioners, may borrow such sum from time to time, on the credit of Barnstable County, and may issue bonds and/or notes therefor; and**

**SECTION 3: That all bonds or notes issued pursuant to this ordinance shall be signed by the County Treasurer and countersigned by a majority of the Commissioners. Barnstable County may sell securities at a public or private sale upon such terms and conditions as the Commissioners may deem proper but not at prices of less than par value. Indebtedness incurred under this proposed ordinance shall, except as herein provided, be subject to Chapter 35 of the General Laws.**

Speaker MCAULIFFE: Thank you.

Are there any committee reports at this point? I don't believe so. The committee on the Governmental Relations will meet in June after we've had a brief overview of what the County's energy savings current status is and then before -- right before the meeting following the update, then the Governmental Relations which is the chair of all the committees will meet before that meeting just to decide what we're going to do without -- what path we're going to take the two climate change ordinances.

And I don't believe any other committees are meeting at this point.

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

- **Reminder to delegates that Statement of Financial Interest filing due by 5/28/19**
- **Reminder to delegates to notify Speaker if meeting attendance will be a problem on 6/5, 6/19 or 7/3**
- **Assembly Office will be closed from 5/20 through 6/4 while the Clerk is out on medical leave**

Speaker MCAULIFFE: Report from the Clerk.

Clerk O'CONNELL: Thank you, Madam Speaker. It's been a busy week, hectic. My obligation to do jury duty concluded rather quickly so that was a good thing and got back to business.

I just want to remind everyone that the statement of financial interest is due to be filed by May 28. I know who you are if you haven't done it yet.

Speaker MCAULIFFE: Me.

Clerk O'CONNELL: About half have. The next time you meet, it will be too late. You will be in violation of a deadline, and everyone has to complete it. You all certainly must have a password. You get into the system, and I've never had to complete one; I don't know how long it takes but its due by the 28<sup>th</sup> of May.

Delegate O'MALLEY: It's long.

Clerk O'CONNELL: It's like 40-something pages. I don't know -- I guess it's awful but --

Speaker MCAULIFFE: Yes.

Clerk O'CONNELL: But that's due. And please keep in mind that we've got two meetings coming up in June, the 5<sup>th</sup> and the 19<sup>th</sup>, and then July 3<sup>rd</sup>, and the Speaker will certainly want to know if anyone has any issues attending any of those meetings, so we can be sure that we will have a quorum.

And, also, on another note, I will be out of the office from the 20<sup>th</sup> of May, well, I guess I'm telling the doctor it's going to be June 4<sup>th</sup>. So, I expect to be back on the 5<sup>th</sup>. And, you know, no big deal, I'll be getting a new knee.

Deputy Speaker MORAN: Congratulations. Is there remote participation?

Clerk O'CONNELL: No. I don't think so.

Speaker MCAULIFFE: No, but I'm sure I'll be in daily contact so. There's no rest for the -- no day off.

Clerk O'CONNELL: I mean the good news is there are things that I can do from home and I am looking forward to that, even though I'm not supposed to, but I need a purpose and I need to be kept busy.

Speaker MCAULIFFE: And we can manage that. And I'll do my best to respond to emails and do everything I can, so nobody even notices I'm gone.

Speaker MCAULIFFE: You know you have a dedicated person when they schedule their surgery around your meeting so that they don't miss a meeting.

Clerk O'CONNELL: Yes. It was December and they said the cue was two months, February, and I said, "No way. That's budget time. And that's it. But thank you, very much, and that's all I have to report today.

### **Summary of Other Business and Vote on Proposed Ordinance 19-02**

- **Delegate O'Malley submitted amended language for Proposed Ordinance 19-02**
- **Assembly votes on proposed amendments to Proposed Ordinance 19-02 as submitted by Delegate O'Malley and further amended by Delegate McAuliffe**
- **Update on County energy conservation measures will be presented to the assembly on 6/5/19 by County Administrator**
- **Lab tour will be scheduled for 6/5/19 at the conclusion of the Assembly meeting**

Speaker MCAULIFFE: Okay. And then under "Other Business," we have amended language proposed by Delegate O'Malley for discussion on Proposed Ordinance 19-02. This is an ordinance that came from the County Commissioners to us. We've had a hearing on it. We've had several discussions on it. Delegate O'Malley has done yeoman work in pulling together a lot of the information that people have presented, a lot of the information that's come in and pulled together an amended ordinance that the Clerk made a red-line copy available to everyone so you can see how much work went into making some changes.

As I said to Delegate O'Malley, and I'll let him speak in a minute, this is the Commissioners' ordinance so this is technically an amendment to the ordinance that we had the hearing on. So, this is -- he spent a lot of time, and I don't want to speak for him, making sure that it's true to the original ordinance as much as could possibly be.

Delegate O'Malley.

Delegate O'MALLEY: Thank you, Madam Speaker, and I especially want to thank our Clerk, Janice, for distributing the red-line -- red-line version. I think that really helped in having an overview of this pretty complex document with lots of changes, although

the reality is most of the changes are shuffling around and its stuff that's been there, and I'm going to speak to that.

So, what we have in front of us today is really the end result of the several long -- several years-long process of reevaluating the Barnstable County Human Rights Commission. What we have now, what we're working with is the product of four ordinances passed in 2005, 2006, 2008, and 2015.

The first of those established the Human Rights Commission. The second one in 2006 created the whole Town Representational Council, which was appointed by the Select Boards or Selectmen as it was phrased in those days.

In 2008, a representative of the Mashpee Wampanoag Tribe was added, and Commissioners were increased from 7 to 9. And finally, in 2015, the Rights Commission and Commissioner and the Coordinator were moved from under the Human Services Department to directly under the County Administrator.

From everything that I have -- my experience with the Human Rights Commission, I've been staying pretty connected for a long time, it had function and, in the opinion of most of the Commissioners, it had functioned very effectively for many years until a few years ago and the issues were complex. But, in essence, they resulted in no Commissioner, no Coordinator, and a loss of Commissioners and Town Representatives as the thing became lost in a sense of not knowing where it was going and not functioning very well.

A former Chair of the County Commissioners, Mr. Cakounes, made several really valid observations, critical observations of the way the thing was functioning of its structure, of its function, and its purpose during his term, and he was the one who set in motion the process that's now concluding.

I would say that the ordinance now before us as presented by the Commissioners and just kind of cleaned up and amended completes the reorganization process of the Human Rights Commission. Most of this work had already been done. This didn't happen in the last two weeks. Okay. This had all been done prior to our previous meeting when we tabled this. It clearly needed some edits, that job had not been quite carried through. That process had involved extended dialogues amongst the County Commissioners and the Human Rights, and Jack, and myself were involved in. This has been a long process.

So, the outcome is that the purpose of the Human Rights Commission has been really fully rewritten. It almost didn't clearly exist before, but it's been fully rewritten. It's now under the section "Policies and Procedures," and it reflects what is a primary educational role in the Human Rights Commission and its advisory capacity to the Coordinator.

The structure has been redefined that eliminates the Town Representational Council as a separate body. It simply was not -- that we weren't getting town reps. The way the ordinance comes out, existing town reps may continue if they are so inclined and appointed, and the towns and the Tribal Council may all send nonvoting -- by any town that doesn't have an appointed -- one that's appointed by the Board of Commissioners can send nonvoting reps to any meeting.

Critically, the role and responsibilities of the Coordinator have been much expanded, dramatically. In fact, this has been a kind of new point. The original founding ordinance quote, "There shall be a Coordinator," was all it said. That's the only language ever

from the beginning. In 2008, Ordinance 08-12 specified that the Coordinator should have available the usual resources of County government offices. Clearly, that didn't carry forward altogether. In 2015, we moved the Coordinator from Human Services as mentioned to the Administrator. And all of this hasn't been changed.

What really has changed is Section 3, the Human Rights Coordinator. And as I say, it reflects a much more -- it's almost a job description. The Coordinator, "Shall be the County's representative on Human Rights, and shall promote a consistent message consistent with Barnstable County Policies and Procedures. The Coordinator shall engage countywide with various stakeholders to gather and disseminate information pertaining to Human Rights concerns, and shall assist the towns and meet with the regions' diverse communities. And only when necessary, directing those -- anyone offended with a complaint to appropriate local, state, and federal officials and agencies."

Clearly, any role for our local body as a judicial administrative function with any real power over cases has been limited. And a new Section 4 has been added which that is titled, "Authority Granted," which explicitly defines the very limited legal role, "Serving the citizens of Barnstable County in an advisory capacity and stating that clearly no conflict with police or enforcement powers of other agencies is intended."

So that I would say that what we have here is an ordinance that fundamentally I can go through, in fact, I have penciled through my copy of this ordinance and virtually every piece of it, except for the parts about the Coordinator, has been taken from prior ordinances. They all have their prominence. This is not -- most of this is not new; it's been pulled together into one document.

The new pieces that are very clear are the job description essentially for the Human Rights Coordinator and, of course, the reorganization of the group itself which was originally designed as one person from each town, etcetera, etcetera.

So, the Board of Regional Commissioners retains the appointing authority and is the appointing authority and oversees the Coordinator.

**Speaker MCAULIFFE:** In terms of process for this, as I stated, is an amendment to the original ordinance. So, I would like a motion to put 19-02 on the floor for debate at this point. That's the original ordinance.

**Delegate GREEN:** So, moved.

**Delegate O'MALLEY:** Second.

Speaker MCAULIFFE: All those in favor? Aye. Any opposed?

**Amended Proposed Ordinance 19-02:**

**This Ordinance shall repeal Ordinance 05-08, 06-02, 08-12 and 15-06 in their entirety and establish the Barnstable County Human Rights Advisory Board as set forth in this Ordinance.**

**The Cape Cod regional government, known as Barnstable County hereby ordains:**

**Section 1. Policy of Barnstable County**

**It is the Policy of Barnstable County to promote equal opportunity for all persons of Barnstable County regardless of race, color, religious creed, national origin, sex, age, ancestry, sexual or affectional preference, marital, family or military status, source of income, neighborhood or disability, where unlawful discrimination exists in housing, employment, education, public accommodations, town or county services, insurance,**

banking, credit and health care. Barnstable County will not tolerate retaliation or reprisal against persons exercising or supporting the exercise of equal opportunity rights.

Section 2. Human Rights Advisory Board

A. The Human Rights Advisory Board (hereafter “BCHRAB”) is hereby established.

B. The BCHRAB shall consist of nine (9) members appointed by the Barnstable County Board of Regional Commissioners to a term of three (3) years staggered at the discretion of the Board of Regional Commissioners.

C. The initial appointments of nine (9) Advisory Board Members shall be appointed as follows:

1. a. Six (6) Advisory Board Members shall be drawn from the current Human Rights Commissioners who wish to continue to serve.
- b. Three (3) Advisory Board Members shall be drawn from the current Town Representation Council who wish to continue to serve.
- c. Term expirations of the current Human Rights Commissioners shall be applicable to term limitations as Advisory Board Members.
- d. All Advisory Board members shall have one (1) vote.
- e. No appointee shall serve more than six (6) consecutive years.
2. The Town Representation Council shall be dissolved upon passage of this Ordinance and restructured, through the BCHRAB, to allow:
  - a. Any Town Representative who becomes a new Advisory Board Member shall have a minimum appointment of three (3) years, followed by a staggered appointment schedule of an additional one (1) year for one, two (2) years for the second, and three (3) years for the third, as determined by a vote of the newly convened BCHRAB.
  - b. A Town Representative from any town not represented by an BCHRAB Member may continue to attend and speak at any BCHRAB meeting.
  - c. Selectmen or Town Council may appoint one individual to attend the BCHRAB meeting as a non-voting member.

There shall not be separate Town Representative meetings.

3. All BCHRAB meetings shall comply with the requirements of the Massachusetts Open Meeting Law.

D. BCHRAB appointees shall meet as soon as practical following their initial confirmation to select a Chair and Vice Chair and thereafter in January each year.

E. The BCHRAB shall serve in an advisory capacity to the Human Rights Coordinator, shall assist municipalities, public agencies and public schools as requested by promoting equality and human rights by way of publication, education and assisting in the development and

coordination of forums and other events. The BCHRAB shall create and maintain a data base of federal and state regulatory and enforcement agencies including but not limited to publicly certified interveners, responders, counselors and certified public mediators.

F. The BCHRAB shall assist the Human Rights Coordinator with periodic reports, as requested, to the Board of Regional Commissioners and the Assembly of Delegates.

**Section 3. Human Rights Coordinator**

**The County through its County Administrator shall appoint a Human Rights Coordinator who shall be an employee of the county directly responsible to the County Administrator and subject to all Barnstable County Personnel Policies and Procedures. All normal and customary County support shall be available to the Human Rights Coordinator as directed by the County Administrator to fulfill the duties assigned by this Ordinance to the Human Rights Coordinator and the BCHRAB subject to annual appropriations.**

- A. **The Human Rights Coordinator shall be the county's representative on human rights and shall promote as directed by the Barnstable County Board of Regional Commissioners and the Assembly of Delegates, a consistent unified message within the scope of this Ordinance consistent with Barnstable County Policy and Procedures, as well as relevant applicable state and federal legislation. In order to facilitate and accomplish the goals and responsibilities of the Human Rights Coordinator and BCHRAB, the Human Rights Coordinator shall have access to all of the county departments at the direction of the County Administrator and whenever it is deemed to be a benefit to the process of defining a consistent county message through the Barnstable County Communications Coordinator.**
- B. **The Human Rights Coordinator shall engage countywide with the various stakeholders to gather and to disseminate information pertaining to human rights concerns and to serve the towns of Barnstable County when called upon to address issues encompassed by this Ordinance. The Human Rights Coordinator shall assist the towns and meet with the regions various diverse communities and gather and record data, promote equality and equal protection, minimize acts and patterns of discrimination by promoting awareness through education and when necessary directing those offended by apparent violations to appropriate local, state and federal officials and agencies including, if necessary, the Massachusetts Commission Against Discrimination.**

**Section 4. Authority Granted**

**The provisions of this Ordinance shall be construed as limited to the authority granted to the county under the Barnstable County Home Rule Charter and is not intended to conflict with or contravene any General Laws of the Commonwealth of Massachusetts. The BCHRAB is intended to serve the citizens of Barnstable County in an advisory capacity and is in no way intended to conflict with police and enforcement powers granted to and reserved to other agencies of the Commonwealth of Massachusetts by the General Court.**

Speaker MCAULIFFE: So now we are considering Delegate O'Malley's amendment to -- this is an amendment to this ordinance. So, would you like to move the changes that you have been discussing in your proposed ordinance, which you've delineated has some new information but also has just a pulling together of the original ordinance and some of the older ordinances. Would you like to move that as an amendment?

Delegate O'MALLEY: Can I propose Ordinance 19-02 reamended?

Speaker MCAULIFFE: Or amended.

Delegate O'MALLEY: Amended.

Speaker MCAULIFFE: Amended. You're not reamending it.

Delegate O'MALLEY: Amended, okay.

Speaker MCAULIFFE: You're amending.

Delegate O'MALLEY: Without going through all the specifics line by line?

**Speaker MCAULIFFE: No. Amending it to your red-line version that the Delegates all have copies of.**

**Delegate O'MALLEY: As distributed, correct.**

**Delegate MCCUTCHEON: Second.**

Speaker MCAULIFFE: And for those of you who did not get a chance to study the red-lined copies, I had tried to study the amended version versus the original. It was very complicated. The Clerk did a red-line version which made it clearer and those of you who haven't had a chance to do this kind of have to take this on faith, I guess, that it was a reorganization. It was a distillation. There was a little bit of new clearer information, things are sort of more described, you know, reappointments -- appointments to fill vacancies, the job description, and then the third thing that I felt was the major difference is the retitling of the members in the original ordinance. It is Advisory Board and you wanted to talk about that, Delegate O'Malley?

Delegate O'MALLEY: That's correct. That is an amendment that I took out of the Commissioners' Proposed Ordinance.

Speaker MCAULIFFE: You are proposing to amend it to --

Delegate O'MALLEY: -- to read to what it has always been, the Human Rights Commission. And the thinking on this one is basically as follows:

The prime, in fact, the only -- the only argument that I have heard from multiple people about the problem with calling this the Human Rights Commission is that its confused with the Cape Cod Commission -- with our Board of Regional Commissioners. My response to that is we call these the County Commissioners and we call these other people the Rights Commissioners. It's pretty simple. I don't think that's a substantial enough reason.

Furthermore, a Google search of the term "Rights Commission" turns up hundreds of them; they're everywhere. Every municipality, county, they all have them. If you Google the term "Human Rights Advisory Commission," you don't find it. It's not a term.

Thirdly, it diminishes the meaning of the position for people who are holding it, and it's a position we've had trouble filling, getting people from across the Cape to represent a diversity. Clearly, the reason we're in this whole situation is because they weren't able to maintain representatives. That was partly due to the problems with the Coordinator and no office; I understand that. But it feels strongly to me that to call somebody an Advisory Board rather than a Commission is a step down, and I think it's a wrong thing to do. Those are my arguments. I don't think it's the end of the world no matter what we decide. I think either term could work. Someone has proposed -- I think it was, in fact, I think it was Commissioner Beaty who proposed the term the "Human Rights Advisory Commission" as a sort of a blended form. I have no strong feelings only it feels to me like it's a diminution in the role of those who volunteer and serve for it.

**Speaker MCAULIFFE:** I'm going to amend the amendment to amend the word "Commissioner" to "Advisory Commissioners," and the reason I'm doing this is twofold. It is an Advisory Board, but I understand the need for the Commissioners' title. But,

also, to me, that is a bigger step in an amendment. It almost sounds like it's a new ordinance and this is coming in as an amendment.

**So, my proposal, I would like to move to amend the title throughout the whole ordinance as opposed to Commissioners to Advisory -- "Human Rights Advisory Commissioners. Different from the original, it was "Advisory Board." This is "Advisory Commissioners."**

Dr. O'Malley is proposing just Commissioners like it was. But to me that's a bigger change on an ordinance than just an amendment. That's my thinking. Is there a second to consider that?

**Delegate KILLION: Second.**

Speaker MCAULIFFE: Okay. So, on the table right now is an amendment to the amendment, which is to talk about a little bit about whether it's "Advisory Commissioners" or just straight "Commissioners." So, do you want "Human Rights Commissioners" in your amendment or do you want "Human Rights Advisory Commissioners"?

Delegate KILLION: If I may, Madam Speaker?

Speaker MCAULIFFE: Delegate Killion.

Delegate KILLION: I think "Advisory Commissioner" is more appropriate. If you read through the ordinance, that's what these folks are doing; they're advising on various issues. So, I think it's probably the best description of their role. And "Advisory Commissioners" is probably a good compromise, if you will, but I think it's probably more accurately describes what they do.

Speaker MCAULIFFE: Delegate Harder.

Delegate HARDER: Thank you, Madam Speaker. I have to tell you I've gotten more phone calls about this than anything we've worked on so far, and every single person that calls me says, "We have to call it the Commission," that like Delegate O'Malley said, "All across the country and all across the world they are Human Rights Commissions and that that's what people understand."

And one of the founders of the Cape Cod Human Rights Commission is one of my constituents and he's called me every other day, any time somebody says, "Well, it's going to have advisory in it," say "No." So, I just have to go on the record; I promised him that I would fight for Human Rights Commission and Commissioners. Thank you.

Speaker MCAULIFFE: Yes, Delegate Zuern.

Delegate ZUERN: I think putting the word "Advisory" in there also reminds the Commission what their role is and lets everyone else know that they are an Advisory Committee. I think without that in there, it sort of gives that free reign again and that was my concern with what was happening before, they had a free reign to do almost anything that they wanted to do. So, I fully support the advisory wording.

Speaker MCAULIFFE: Anyone else? Yes, Delegate Ohman.

Delegate OHMAN: Yes, I was on that former new measure back in the day with the Delegate from Harwich at the time, who has called me on numerous occasions as well.

Delegate OHMAN: And I'm not opposed to anything that works. If a word change makes it work better, that's all I want. I'm probably going to vote for the Commission just because of the history of it and it doesn't really make sense to me say advisory. Advisory

is very well stated out in the entire ordinance. So, I'm going to vote for Commission, but I hope that whatever we name it, it brings the body back to its original designation and it starts to work again. I think that's the most important. And whatever you want to call it, you can call it "Fred" as far as I'm concerned.

As long as we can get people that are very involved. Naming it a Commission seems to have more weight to it. I'll be voting in that regard. Thank you.

Speaker MCAULIFFE: Yes, Delegate Chaffee.

Delegate CHAFFEE: A quick Google search for the term Human Rights Advisory Commission produces only one in Beaverton, Oregon. And in Massachusetts, Newton, Massachusetts has a Human Rights Commission; Northampton has a Human Rights Commission, and other municipalities in Massachusetts. So, I think that that seems to be more of the standard here. Thank you.

Speaker MCAULIFFE: Yes, Delegate McCutcheon.

Delegate MCCUTCHEON: I rather agree with Delegate Chaffee over there because I think that this is a -- this is an important issue for the public, not just for the people that are sitting at the table making a decision. There are Unemployment Commissioners; there are Civil Rights Commissioners, of course. There are Discrimination Commissioners, Commissioners of the Mass. Communication (sic) Against Discrimination where you're called Commissioners.

Advisory people give advisory decisions and advisory decisions are not binding. If you've got an advisory opinion from your shrink that you could take your whatever or not, you don't have to take it. If you've got an order that you take it, we understand the orders, you do it.

Now in the case of people who are being discriminated against for age, sex, race, ethnicity, those kinds of things, those are issues that our society doesn't like to talk about, never mind rectify. And I think that we make it a marginalized commission if we make it advisory. We marginalize the Commission just like our society marginalizes discrimination, and I think that it's wrong. So, I will vote against it.

Speaker MCAULIFFE: Yes, Delegate Potash.

Delegate POTASH: Thank you.

So, I agree with the Delegate from -- Deborah McCutcheon, I agree with her. I agree with Delegate Chafee. I think the term "Advisory" dilutes the importance of the position, and I think people that spend time with that topic, most of them are volunteers from what I've gathered, they should feel empowered that their work is not only recognized but it's not marginalized at all in any way, shape, or form. So, I think that we should provide them with the appropriate title.

Speaker MCAULIFFE: Delegate O'Hara.

Delegate O'HARA: Thank you, Madam Chairman. So, what I like when you put in the word "Advisory" is that anybody who's calling or does look it up online and pulls this forward knows that the board is just that, it's advisory. They offer advice on your rights. They're not quoting the law. They're not saying that this is fact, but it's advisory to help you make your decisions, and this having a conversation, whatever it might be, a threat or a comment that was made, the way someone's treated, but -- and I don't mean any disrespect to anybody that serves on any committee/any board. But I think it's a clearer designation of what their actual -- the committee and the members are there for to help advise people and rights of

civil rights matters.

And I think in my mind if I saw that, I'd be more willing to approach it that way and understand clearly that it's just advisory and to help me out of a situation where I would have to be in a problem and need some advice, not practicing exactly this is how it should be.

Speaker MCAULIFFE: Delegate Moran.

Deputy Speaker MORAN: So just following up on Delegate O'Hara's point, you know, certainly words matter, and we have a full description in the ordinance. I think that what we're really talking about is the connotation, and I think using the word "Commission" is really a statement by the Assembly that of importance of these folks efforts, and that now more than ever, we want to be sure that the work of this commission is respected, is efficient, that these folks will have good success in all of their hard work. And I think sometimes, you know, the specific accuracy of a word can really take second seat to the importance of the message that's attached to the ordinance. So, I'm just going to go with "Commission."

Speaker MCAULIFFE: Delegate Green.

Delegate GREEN: Thank you, Madam Speaker. And while I fully understand your position about trying to make the logistics more seamless, I really feel that it's a matter of principle. And I think that just using "Commission" is very important here to not diminish the importance of this commission. Thank you.

Speaker MCAULIFFE: Are we ready for a vote on the amendment to the amendment?

Delegate KILLION: Just one final follow-up.

Speaker MCAULIFFE: Yes, Delegate Killion.

Delegate KILLION: I think it's important also that we express what this body is, and I think it's a little bit disingenuous not to include that so that members of the public know what we're doing. I mean the very last line of this ordinance is, "This is the body intended to serve its citizens of Barnstable County in an advisory capacity and in no way intended to conflict with police and enforcement powers granted to and preserved agencies," etcetera. So, I think it's putting that title in there lets the public know what their purpose is. And I think if we don't include that, I think the expectations are going to be much higher than what this body is capable of.

Speaker MCAULIFFE: All right. Delegate O'Malley. This is on the amendment to the amendment.

Delegate O'MALLEY: On the amendment on the amendment is, I mean, clearly this is turning on the meaning of the word. Well, the word "Commission," look it up, is a group of persons directed to perform some duty usually by a governmental body. It can have administrative, legislative, or judicial purposes but its representative of governmental authority. There's nothing about the term "Commission" that's inappropriate for what we've got here. So, if we're going to turn on words, that's what we have.

Speaker MCAULIFFE: Okay. And also, not to get lost in all this is the Speaker's concern that this is not our ordinance. We have not had a hearing on this dramatically different amendment. And at one point I was going to have a vote on the original ordinance and bring this in as a second ordinance.

So, I am trying to take a micro step to get closer to what the Commissioners' original ordinance was because if there's rejection, then it does come back to us. Okay.

That's just coming from the perspective of the process and the logistics. It has nothing to do with whether I respect or don't respect people and Commissioners. It's more the parliamentary part of this.

Okay. So, a vote on the amendment to the amendment, and this is whether to change the title of the persons holding the job from "Human Rights Commissioners" as stated in the amendment to "Human Rights Advisory Commissioners." That's what we're voting on. A "yes" would change it to "Human Rights Advisory Commissioners."

Clerk O'CONNELL: With all the other changes that --

Speaker MCAULIFFE: No, no. We're just doing an amendment to the amendment.

Delegate HARDER: Just the --

Speaker MCAULIFFE: We're just doing the title. Then we'll do the whole package.

Clerk O'CONNELL: So, everyone understands that's what they're voting on.

Speaker MCAULIFFE: Just a word change, literally, throughout the document but a word change.

Clerk O'CONNELL: So, if you vote "yes," you agree to the change.

Speaker MCAULIFFE: Yes.

Clerk O'CONNELL: If you vote "no," you do not.

Speaker MCAULIFFE: Yes.

Delegate HARDER: Right. Correct. Yes, is advisory; no is commissioners.

**Roll Call Vote on Amened Proposed Ordinance 19-02 as amended to read Human Rights Advisory Commissioners:**

**Voting "YES" (57.16%):** James Killion (9.58% - Sandwich), E. Suzanne McAuliffe (11.02% - Yarmouth), Thomas O'Hara (6.49% - Mashpee), Patrick Princi (20.92% - Barnstable), Linda Zuern (9.15% - Bourne).

**Voting "NO" (40.11%):** Mary Chaffee (4.55% - Brewster), J. Terence Gallagher (2.30% - Eastham), Lilli-Ann Green - (1.27% - Wellfleet), Elizabeth Harder (5.67% - Harwich), 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).

**Absent (2.73%):** Christopher Kanaga (2.73% - Orleans).

**Clerk O'CONNELL: Madam Speaker, the amendment to the amendment for the name change to "Human Rights Advisory Commission" passes with 57.16 of the Delegates voting yes, 40.11 percent voting no; 2.73 are absent. So that's on the amendment to the language.**

Speaker MCAULIFFE: Okay.

Clerk O'CONNELL: And now you would be back to the amended ordinance to vote on.

Deputy Speaker MORAN: Yes.

Speaker MCAULIFFE: So now we are talking about the O'Malley document with the word change from -- the O'Malley amendment, I should say. And I will add, at this point, there's nothing to say that once a Coordinator is appointed and once the Advisory

Commission has had a chance to meet that there won't be amendments to this ordinance in the future. This is just our best shot at it right now, and it may be a determination that future amendments may need to come in to further address issues.

So, as I like to say, the enemy of good sometimes is better. So, let's just take good.

Delegate O'Malley, we have your amended ordinance on the floor now. This is the red-line version with the change from "Commissioners" to "Advisory Commissioners." So that will be changed throughout the whole document.

Delegate O'HARA: Right.

Speaker MCAULIFFE: Any further discussion -- yes, Delegate Zuern.

Delegate ZUERN: One of -- there are a couple of things here that don't seem to go along with the advisory job of the Commission, and one of them says, "Shall assist the Human Rights Coordinator with internal programmatic strategic planning and goal setting, as well as writing and submitting external periodic reports to the Board of Regional Commissioners and the Assembly of Delegates."

And then there's another that says, "Shall assist municipalities, public agencies, and public schools requested by promoting equality and human rights by the way of publication, education, and assisting" yeah, and I guess that is, "the development and coordination of forums and other events." And I think this is what was happening before that they were doing events and using different materials and going out into the communities but not in an advisory capacity.

So, to me, those statements should be taken out and not included in this ordinance.

Speaker MCAULIFFE: Are you making an amendment?

**Delegate ZUERN: I will make an amendment to exclude those. It's Section 3 under "HRC Policies and Procedures," D., Number 3., and Number 4.**

Speaker MCAULIFFE: Is there a second to the amendment?

**Deputy Speaker MORAN: Second for purposes of discussion.**

Speaker MCAULIFFE: Discussion? Well, yes, I was going to state that those things that you just read are things that have been going on all along and it's just kind of restating what the job description has been. And I'm not sure how that takes away from the advisory role, I guess is the question?

Delegate ZUERN: Well, I know they've been doing classes with what they call "The Academy." They were reaching out to different organizations, such as the police. They were promoting the UN brochure and things like that, and that wasn't really advisory. So, if we're going to have an Advisory Commission, I think that what they're doing should be on an advisory level and not going out into the communities and trying to set up other groups or forums or anything like that unless it's the Coordinator who is asking the Commission to help him do that.

Speaker MCAULIFFE: So, you don't see that as advising people of rights and opportunities and things that are available?

Delegate ZUERN: No.

Speaker MCAULIFFE: Okay. I'll go over here first. Delegate Chaffee.

Delegate CHAFFEE: Thank you, Madam Speaker. I won't support this amendment because I see the two sections that are being described in summary assisting with

report writing and planning efforts and providing education on human resources -- or on human rights, and those are our core aspects of this role. I think it's essential that that remains in. Thank you.

Speaker MCAULIFFE: Yes, Delegate Moran.

Deputy Speaker MORAN: I think the other thing to keep in mind is that the last part of Section 3. in the A., it states “That the Human Rights Coordinator shall be the County's representative and shall promote as directed by the Barnstable County Board of Regional Commissioners and the Assembly of Delegates a consistent unified message.”

And so, it talks about, you know, supervisory roles. So, I think it certainly will be a position that has supervision and that that would probably take care of those concerns.

Speaker MCAULIFFE: Delegate O'Malley, had you had your hand up?

Delegate O'MALLEY: I did. I find myself rather surprised that the Delegate from Bourne has chosen to come down on the activities of what they've been doing. I know she attended the Human Rights Academy, the two of us were the only representative from the Assembly there last week, and we saw what I think was a remarkable program of a whole number of local high schools, teams of students with the projects they had done. I mean, the level of energy was phenomenal.

And I want to remind you that this was organized by these Commissioners who are volunteers in the absence of a Coordinator. I mean, clearly, the Coordinator would've been normally the person putting the whole day together and they pulled it off. I think they did a really nice job of it. So, I'm really not -- I don't really understand what about these functions that the Commission -- the Advisory Commission would be doing or body.

Speaker MCAULIFFE: Delegate Zuern.

Delegate ZUERN: Thank you, Madam Speaker. I did go to the event, and the students were very engaged. Many of them did wonderful projects, and they talked about what they were doing in their towns, but I did see very subtle things. My room had a screen, you know, with their mission statement and it did mention the Human Rights from the UN, which I don't think our kids should be taught. I did hear people talking about setting up an interfaith group. I don't think that's part of the Human Rights Commission.

So, I'd just like to tighten those kinds of things up, so they don't go out into the communities and start doing projects that they think are important but it's not part of our Human Rights, I guess, goals or what we should be doing.

Speaker MCAULIFFE: Delegate McCutcheon.

Delegate MCCUTCHEON: I guess it would be already figured out that I disagree with the Delegate from Bourne. I am disappointed to see this body do what is happening in lots of places in this country which is moving backwards. We are moving backwards in areas of immigration where people, you know, are positioned with respect to ICE was a -- “It's not my problem; I'm not going to vote on it.” I'm not going to say it's a bad thing. This is another of those situations where I think we'd be moving backwards, and I don't think we ought to be.

I think we should be trying to move forward to a better place. I mean I think that -- I just think that what we ask this person to do is to assist us in bringing this community, which is the entire community of Barnstable County, forward to a more fair place for people to live. I think fairness is what we're looking for is a fundamental kind of fairness.

And I just disagree with the -- I strongly disagree with what has been suggested

here because what it says to our public and to the people who pay us to come here and make rules for them is it says to them that there are things that we won't move backwards about, and I just don't think we should. I still believe that *Brown v. Board of Education* was right, and I'll die on that one. So, there you go.

Speaker MCAULIFFE: Thank you. We'll take a vote on the amendment to delete 3. D. -- what is it? Three --

Clerk O'CONNELL: Section 3 --

Delegate O'MALLEY: 3. D. 3. and 4.

Speaker MCAULIFFE: Okay, 3. D.

Delegate O'MALLEY: 3. D. 3. and 4.

Speaker MCAULIFFE: 3. and 4.

Delegate O'MALLEY: Yes.

Speaker MCAULIFFE: Okay. It's been motioned and seconded. So, a "yes" vote would delete it; a "no" vote would keep it in.

**Roll Call Vote on Amendment as proposed by Delegate Zuern to delete Section 3 D.3 & 4 of Proposed Ordinance 19-02:**

**Voting "YES" (9.15%):** Linda Zuern (9.15% - Bourne).

**Voting "NO" (88.12%):** Thomas O'Hara (6.49% - Mashpee), Patrick Princi (20.92% - Barnstable), Mary Chaffee (4.55% - Brewster), J. Terence Gallagher (2.30% - Eastham), Lilli-Ann Green - (1.27% - Wellfleet), Elizabeth Harder (5.67% - Harwich), 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).

**Absent (2.73%):** Christopher Kanaga (2.73% - Orleans).

**Clerk CONNELL: Madam Speaker, on the amendment to delete Section 3, items 3. and 4. fails to pass with 88.12 percent of the Delegates voting no; 9.15 percent voting yes; 2.73 percent absent.**

Speaker MCAULIFFE: Okay. So, the outcome is the amendment fails.

Speaker MCAULIFFE: So now we're back to the amendment as presented by Delegate O'Malley. Are we ready for a vote on that?

Deputy Speaker MORAN: Yes.

Speaker MCAULIFFE: Yes, Delegate Zuern.

Delegate ZUERN: I have one more question for Mr. O'Malley, Delegate O'Malley, why the town -- I mean the County Administrator is no longer the person who is hiring the Coordinator. That is up to the Commissioners now; why was that change made?

Speaker MCAULIFFE: Delegate O'Malley.

Delegate O'MALLEY: There's been no change. This has not changed. This is the way the ordinance is -- this is how we set it up when we moved the Coordinator from the Human Rights Department directly to the Administrative Office. This did not change in any of this recent work. Go back to the old ordinances.

Speaker MCAULIFFE: Yes, Delegate Chaffee.

Delegate CHAFFEE: Was Delegate O'Malley done?

Speaker MCAULIFFE: Yes.

Delegate O'MALLEY: I'm sorry.

Speaker MCAULIFFE: Yes, there was no change.

Delegate CHAFFEE: Thank you, Madam Speaker, and thank you to the Delegate from Provincetown for the work that he put into revising this document for our use today. I think this is the most coherent clear conversation we've had about moving this forward finally.

**One amendment I would like to propose under Section 2. B. 1., the current statement is "All Commission members shall have one vote." That says to me the entire Commission has one vote. I suggest that be amended to, "Each Commission member shall have one vote."**

Thank you.

**Delegate MCCUTCHEON: Move by acclamation.**

Speaker MCAULIFFE: Moved by acclamation, that means that it's accepted?

Delegate MCCUTCHEON: Yes.

Delegate O'MALLEY: That's acceptable. That's certainly acceptable to me.

Speaker MCAULIFFE: Okay.

Delegate MCCUTCHEON: That says -- that says that -- it's like having directly -- to cast one vote.

**Speaker MCAULIFFE: Okay. So, moved by acclamation then. So, it would be a clarification of the amendment.**

Clerk O'CONNELL: Yes, everyone's in favor of it?

Speaker MCAULIFFE: Yes.

Clerk O'CONNELL: By acclamation.

Speaker MCAULIFFE: By acclamation. Everyone's in favor of that. Okay. Yes, Delegate Killion.

Delegate KILLION: Just one, if you can clarify the Speaker's amendment. So, did that change the title of the board as well as the position of the members or one or the other? In other words, has this become the Human Rights Commission Advisory Board or did we just amend --

Speaker MCAULIFFE: Human Rights Advisory Commission.

Delegate KILLION: Okay.

Speaker MCAULIFFE: And they are Human Rights Advisory Commissioners.

Delegate KILLION: Thank you.

Speaker MCAULIFFE: And I anticipate they will be called Commissioners. And down the road, if that's an issue and they want to bring an amendment forward, that certainly could be entertained as well.

I'm just trying to not get rejected by the Commissioners -- the County Commissioners. Yes. Are we ready for a vote on the amendment?

Delegate MCCUTCHEON: Yes.

**Speaker MCAULIFFE: So, a "yes" vote will replace the Regional Commissioners' Ordinance with an amended Ordinance that was prepared by Dr. O'Malley, which we have a red-lined copy of and electronically with the one change on the title and the board. All right. Ready for a vote?**

**Roll Call Vote on Amended Proposed Ordinance 19-02 as amended by Delegate O’Malley (including previous amendment by Delegate McAuliffe):**

**Voting “YES” (88.12%):** Thomas O’Hara (6.49% - Mashpee), Patrick Princi (20.92% - Barnstable), Mary Chaffee (4.55% - Brewster), J. Terence Gallagher (2.30% - Eastham), Lilli-Ann Green - (1.27% - Wellfleet), Elizabeth Harder (5.67% - Harwich), 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).

**Voting “NO” (9.15%):** Linda Zuern (9.15% - Bourne).

**Absent (2.73%):** Christopher Kanaga (2.73% - Orleans).

Clerk O’CONNELL: Madam Speaker, Amended Proposed Ordinance 19-02 now passes with 88.12 percent of the Delegates voting yes; 9.15 percent voting no; 2.73 percent are absent, now known as Ordinance 19-10.

**Ordinance 19-10:**

**This Ordinance shall repeal Ordinance 05-08, 06-02, 08-12 and 15-06 in their entirety and establish the Barnstable County Human Rights Advisory Commission as set forth in this Ordinance.**

***The Cape Cod regional government, known as Barnstable County, hereby ordains:***

**Section 1. Policy of Barnstable County**

**It is the Policy of Barnstable County to promote equal opportunity for all persons of Barnstable County regardless of race, color, religious creed, national origin, gender, age, ancestry, sexual or affectional preference, marital, family or military status, source of income, neighborhood or disability, where unlawful discrimination exists in housing, employment, education, public accommodations, town or county services, insurance, banking, credit and health care. Barnstable County will not tolerate retaliation or reprisal against persons exercising or supporting the exercise of equal opportunity rights.**

**Section 2. Human Rights Advisory Commission**

**A. There is hereby established a County office to be known as the Human Rights Advisory Commission of Barnstable County (hereafter “HRAC”).**

**B. The HRAC shall consist of nine (9) members appointed by the Barnstable County Board of Regional Commissioners to a term of one (1) to three (3) years staggered at the discretion of the Board of Regional Commissioners.**

- 1. Each Advisory Commission Member shall have one (1) vote.**
- 2. No appointee shall serve more than six (6) consecutive years.**

**C. Advisory Commission Membership**

**1. Appointments of Advisory Commission Members shall be made by the Board of Regional Commissioners, after nominations by the Barnstable County Health and Human Services Advisory Council.**

**2. Advisory Commission Members shall be residents of Barnstable County and, so far as practicable, shall be selected so as to provide countywide, culturally, racially and economically diverse representation.**

**D. The initial appointments of nine (9) Advisory Commission Members shall be made as follows:**

- 4. a. Up to six (6) Advisory Commission Members shall be drawn from the current Human Rights Commissioners who wish to continue to serve.**
- b. The remaining Advisory Commission Members shall be drawn  
(i.) from the former Town Representation Council members who wish to continue to serve; and if there are any vacancies remaining,  
(ii) in accordance with the procedures set out in Section 2.D. (Advisory Commission Membership).**
- c. Term expirations of the current Human Rights Commissioners shall carry over as term limitations for these Commission Members.**
- 5. The Town Representation Council shall be dissolved upon passage of this Ordinance and restructured, through the HRAC, such as to allow:**
  - 1.a. Any Town Representative who becomes a new Advisory Commission Member shall have a minimum appointment of three (3) years, followed by a staggered appointment schedule of an additional one (1) year for one Member, two (2) years for a second, and three (3) years for a third, as determined by the Board of Regional Commissioners.**
  - 2.b. For any town not formally represented by an HRAC Member; Selectmen or Town Council may appoint one town citizen, and the Mashpee Wampanoag Tribal Council may appoint one representative to attend and speak at HRAC meetings as a non-voting member.**
- 6. There shall not be separate Town Representative meetings.**

**Section 3. HRAC Policies and Procedures**

- A. All HRAC meetings shall comply with the requirements of the Massachusetts Open Meeting Law**
- B. HRAC appointees shall meet as soon as practical following their initial confirmation to select a Chair and Vice Chair. Elections shall be held in January each year thereafter.**
- C. The HRAC shall meet no less than four times per year.**
- D. The HRAC**
  - 1. Shall serve in an advisory capacity to the Human Rights Coordinator.**
  - 2. Shall assist the Human Rights Coordinator to engage with Advisory Commission Member communities.**
  - 3. Shall assist the Human Rights Coordinator with internal programmatic strategic planning and goal setting, as well as writing and submitting external periodic reports to the Board of Regional Commissioners and the Assembly of Delegates.**
  - 4. Shall assist municipalities, public agencies and public schools by promoting equality and human rights by way of publication, education and by the development and coordination of forums and other events.**
  - 5. Shall create and maintain a data base of federal and state regulatory and enforcement agencies including but not limited to publicly certified interveners, responders, counselors and certified public mediators.**

E. The HRAC shall assist the Human Rights Coordinator with periodic reports, as requested, to the Board of Regional Commissioners and the Assembly of Delegates.

Section 4. Human Rights Coordinator

The County through its County Administrator shall appoint a Human Rights Coordinator who shall be an employee of the county directly responsible to the County Administrator and subject to all Barnstable County Personnel Policies and Procedures. All normal and customary County support shall be available to the Human Rights Coordinator as directed by the County Administrator to fulfill the duties assigned by this Ordinance to the Human Rights Coordinator and the HRAC subject to annual appropriations.

A. The Human Rights Coordinator shall be the county’s representative on human rights and shall promote as directed by the Barnstable County Board of Regional Commissioners and the Assembly of Delegates, a consistent unified message within the scope of this Ordinance consistent with Barnstable County Policy and Procedures, as well as relevant applicable state and federal legislation. In order to facilitate and accomplish the goals and responsibilities of the Human Rights Coordinator and HRAC, the Human Rights Coordinator shall have access to all of the county departments at the direction of the County Administrator and whenever it is deemed to be a benefit to the process of presenting a consistent human rights county message through the Barnstable County Communications Coordinator.

B. The Human Rights Coordinator shall engage countywide with the various stakeholders to gather and to disseminate information pertaining to human rights concerns and to serve the towns of Barnstable County when called upon to address issues encompassed by this Ordinance. The Human Rights Coordinator shall assist the towns and meet with the regions’ various diverse communities, gather and record data, promote equality and equal protection, minimize acts and patterns of discrimination by promoting awareness through education and when necessary directing those subject to apparent violations to appropriate local, state and federal officials and agencies including, if necessary, the Massachusetts Commission Against Discrimination.

Section 5. Authority Granted

The provisions of this Ordinance shall be construed as limited to the authority granted to the county under the Barnstable County Home Rule Charter and is not intended to conflict with or contravene any General Laws of the Commonwealth of Massachusetts. The HRAC is intended to serve the citizens of Barnstable County in an advisory capacity and is in no way intended to conflict with police and enforcement powers granted to and reserved to other agencies of the Commonwealth of Massachusetts by the General Court.

Speaker MCAULIFFE: Thank you.

The numbers differ because they come in under -- is that what you’re asking?

Delegate HARDER: Yes, but doesn't it have to go back to the Commissioners

now so --

Speaker MCAULIFFE: It will go to the Commissioners now but because of

our vote --

Delegate HARDER: But it still gets to be an Ordinance even though that it

goes back to them?

Speaker MCAULIFFE: This amended ordinance is what will go back to the Commissioners. What sends a very strong message is with our 88 percent is that its, essentially, almost veto-proof, so that if they want to change it, we will -- they'd have to count on us not voting the same way.

So that's what I was -- I was trying to just get this done.

Delegate HARDER: Got it.

Speaker MCAULIFFE: All right. Thank you everyone, and thank you, particularly again, Dr. O'Malley for attending all the meetings, working with everyone.

Thank you to the Human Rights Commissioners for all of their work individually and -- it's been -- you've been our constant companions for this. Thank you.

Speaker MCAULIFFE: Is there any other business first?

Deputy Speaker MORAN: Okay.

Speaker MCAULIFFE: Yes, Delegate Potash.

Delegate POTASH: Thank you. I don't think we ever formally decided as a group whether or not to adopt the electronics.

Speaker MCAULIFFE: Right. It's going to be on our agenda. I've got it written down right here.

The next meeting, we will discuss this because we had a chance to use it and see what we think about it. So, it will be on the agenda for the next meeting. I wrote that down.

Delegate MCCUTCHEON: Do we have a right to take it back?

Speaker MCAULIFFE: We can go back to anything you want.

Delegate MCCUTCHEON: I mean, you know, if we take it back, do we get our money back?

Speaker MCAULIFFE: No, because other people --

Delegate MCCUTCHEON: I'm trying to get my money back --

Speaker MCAULIFFE: -- other people use this.

Delegate MCCUTCHEON: Oh, okay.

Speaker MCAULIFFE: So, going forward then, we will get an update on some of the County energy saving issues, just a broad-brush overview at our next meeting.

If I don't have another agenda item and we can work it out and it's a short meeting, what I might do is schedule after our meeting a quick tour of the Lab, which some people have had a chance to do and those who are interested could stay.

Sometimes I have things that come up, things that were supposed to be coming through for action are not coming through for the 5<sup>th</sup>, so that might be a good meeting to do that. And then after that we will go into Climate Change and Charter Review discussions.

Okay. Now I'll take a motion.

**Deputy Speaker MORAN: Now a motion to adjourn.**

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

**Whereupon, it was moved and seconded to adjourn the Assembly of Delegates at 6:00 p.m.**

**Submitted by:**

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

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

- **Business Calendar of 5/15/19**
- **Unapproved Journal of Proceedings of 5/1/19**
- **Public Hearing Notice for Proposed Ordinances 19-09, 19-10, and 19-11**
- **Proposed Ordinance 19-09: Fire Training Academy Cleanup Funds**
- **Proposed Ordinance 19-10: Other Post Employment Benefits Trust Fund**
- **Proposed Ordinance 19-11: New County Dredge**
- **Proposed Ordinance 19-02: BCHRAB**
- **Proposed Ordinance 19-02 amended: BCHRAC**