

**CAPE COD REGIONAL GOVERNMENT - ASSEMBLY OF DELEGATES**  
**Barnstable County Complex**  
**Eastwing Conference Center @ 4:00 p.m.**  
**3195 Main Street, Route 6A**  
**Barnstable, MA 02630**

**UNAPPROVED Journal of Proceedings - September 4, 2019**

**Call to Order**

**Speaker MCAULIFFE:** Good afternoon. Welcome to the Cape Cod Regional Government, this is the Assembly of Delegates. We are at the Barnstable County Complex. **It's Wednesday, September 4<sup>th</sup> at 4 p.m.**

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

(Moment of silence.)

**Speaker MCAULIFFE:** Thank you. Please rise for the Pledge of Allegiance.

(Pledge of Allegiance.)

**Roll Call Attendance**

**Present (71.66%):** Mary Chaffee (4.55% - Brewster), J. Terence Gallagher (2.30% - Eastham), Lilli-Ann Green - (1.27% - Wellfleet), Elizabeth Harder (5.67% - Harwich), Christopher Kanaga (2.73% - Orleans – Remote Participation due to distance), James Killion (9.58% - Sandwich), E. Suzanne McAuliffe (11.02% - Yarmouth), Susan Moran (14.61% - Falmouth), John Ohman (6.58% - Dennis), Brian O'Malley (1.36% - Provincetown), Randi Potash (2.84% - Chatham), Linda Zuern (9.15% - Bourne – Remote Participation due to distance).

**Arrived Late (6.49%):** Thomas O'Hara (6.49% - Mashpee - @ 4:05 p.m.).

**Absent (21.85%):** Deborah McCutcheon (0.93% - Truro), Patrick Princi (20.92% - Barnstable).

**Clerk O'CONNELL:** Madam Speaker, you have a quorum present with 71.66 percent of the Delegates present; 28.34 percent are absent.

**Speaker MCAULIFFE:** Thank you.

**Approval of the Calendar of Business**

**Speaker MCAULIFFE:** We will have to do our votes by roll call because of the remote participation.

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

**Deputy Speaker MORAN:** So moved.

**Delegate CHAFFEE:** Second.

**Speaker MCAULIFFE:** Any discussion? The Clerk can call the roll. This is for approval of the Calendar of Business.

**Calendar of Business**

**Voting "YES" (71.66%):** Mary Chaffee (4.55% - Brewster), J. Terence Gallagher (2.30% - Eastham), Lilli-Ann Green - (1.27% - Wellfleet), Elizabeth Harder (5.67% - Harwich), Christopher Kanaga (2.73% - Orleans), James Killion (9.58% - Sandwich),

**E. Suzanne McAuliffe (11.02%-Yarmouth), Susan Moran (14.61% - Falmouth), John Ohman (6.58% - Dennis), Brian O'Malley (1.36% - Provincetown), Randi Potash (2.84% - Chatham), Linda Zuern (9.15% - Bourne).**

**Absent (28.34%): Deborah McCutcheon (0.93% - Truro), Thomas O'Hara (6.49% - Mashpee - @ 4:05 p.m.), Patrick Princi (20.92% - Barnstable).**

**Clerk O'CONNELL: Madam Speaker, the Calendar of Business passes with 71.66 percent of the Delegates voting yes; 28.34 percent are absent.**

**Speaker MCAULIFFE: Thank you.**

**Approval of the Journal of Proceedings of 8/21/19**

**Speaker MCAULIFFE: The next item is the Journal of August 21<sup>st</sup>, 2019; is there a motion?**

**Delegate O'MALLEY: I move acceptance of the Journal of August 21<sup>st</sup> as distributed.**

**Deputy Speaker MORAN: Second.**

**Speaker MCAULIFFE: Any comments or discussion? Call the roll please.**

**Journal of Proceedings of 8/21/19**

**Voting "YES" (71.66%): Mary Chaffee (4.55% - Brewster), J. Terence Gallagher (2.30% - Eastham), Lilli-Ann Green - (1.27% - Wellfleet), Elizabeth Harder (5.67% - Harwich), Christopher Kanaga (2.73% - Orleans), James Killion (9.58% - Sandwich), E. Suzanne McAuliffe (11.02%-Yarmouth), Susan Moran (14.61% - Falmouth), John Ohman (6.58% - Dennis), Brian O'Malley (1.36% - Provincetown), Randi Potash (2.84% - Chatham), Linda Zuern (9.15% - Bourne).**

**Absent (28.34%): Deborah McCutcheon (0.93% - Truro), Thomas O'Hara (6.49% - Mashpee - @ 4:05 p.m.), Patrick Princi (20.92% - Barnstable).**

**Clerk O'CONNELL: Madam Speaker, the Journal passes with 71.66 percent of the Delegates voting yes; 28.34 percent are absent.**

**Speaker MCAULIFFE: Thank you.**

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

- **County Administrator Jack Yunits updated the Delegates on actions of the County Commissioners for the meetings of 8/28/19 and 9/4/19**
- **Commissioners received a presentation on sole source plastic and single use plastic**
- **Status of the three dredges updated**
- **Status update on construction project at the county farm related to move of the Cooperative Extension from Deeds and Probate Building by next July 1<sup>st</sup>**
- **Status update regarding capping at the Fire Training Academy and relocation to Joint Base Cape Cod**

**Speaker MCAULIFFE: Next is communications from the Board of Regional Commissioners. I don't see a commissioner here.**

Mr. Yunits, our County Administrator, will you give us an update?

Administrator JACK YUNITS: Thank you, Madam Speaker.

Very quickly, the two meetings that transpired today and the 28<sup>th</sup> were both relatively light. They usually are around Labor Day.

Last week we had a presentation from a group for a sustainable environment on sole source plastic and single-use plastic, I believe they called it, and the work they've been doing to try to pass legislation in all the towns to ban the use of plastic bottles.

Actually, it was an extremely informative conversation, and I believe it was Commissioner Beaty suggested that they may want to present up here as well. So they may be in touch with you as well.

Today was relatively light as well. Again, just a number of contracts and routine actions that were passed by the Commissioners.

And we provided an update to the Commissioners of the status of the dredge today. The Codfish is done. It will stay in Fairhaven until the hurricane moves past us, and then we'll bring it down back to the Cape.

The new Codfish will be delivered or shipped on the 23rd, delivered and assembled and ready to go by the end of September, so right in time for dredge season.

And the Sand Shifter is in a warehouse still in Wisconsin but will start to make the move towards Cape Cod in a week or two. So we're excited that all three dredges will be up and running. We're interviewing right now for a new crew.

And as I speak, Steve Tebo and Christine Player from Foth Engineering and Jason Bevis are working on a schedule for the next dredge season, which we'll have to you shortly.

We also updated them on the status of the construction project for the farm to relocate the Extension out of the County campus to expand the Probate Court facility for the benefit of the Probate Court. We expect to have an RFP for final design and review out very shortly.

And the other item that was raised was the status of the Fire Training Academy here in Barnstable and a relocation of Barnstable. The facility will be capped, probably in March, but the process has begun to do a final cap. The use, as you know, has already been discontinued up there except for classroom work.

The process for relocating to the Base is still an ongoing work but it is moving forward. And we're high up in the que for some grants that will help facilitate that as we go forward.

The status on the hurricane as of two o'clock this afternoon was south and southeast of Nantucket so we should be fine on the weekend, and we'll keep you advised on that.

And that was the sum and substance of today's meeting.

Speaker MCAULIFFE: Excellent. Any questions? Thank you.

Administrator JACK YUNITS: Thank you.

Speaker MCAULIFFE: We'll talk to you again on the ordinance.

Speaker MCAULIFFE: Communications from public officials? No.

Speaker MCAULIFFE: Communications from members of the public? No.

**Public Hearing on Proposed Ordinance 19-14: To Amend Ordinance 15-05 and re-purpose capital expense of \$150,000**

Speaker MCAULIFFE: Our next item is a Public Hearing on Proposed Ordinance 19-14, and this is to Amend Ordinance 15-05 to repurpose capital expense of \$150,000.

So this is a several part ordinance of different figures, so here's what I'd like to do. Elizabeth, thank you for coming. If you could perhaps give us the ins and outs of exactly the -- and Jack Yunits as well -- of exactly the money flow here.

Finance Director ELIZABETH BRACCIA: Okay. So, first, I know this is a really long rework of an ordinance. It was required to present the whole thing but there's only one part of it that we're voting on is the \$150,000, all in the first paragraph of this whole ordinance.

So when I was reviewing the Capital, I think you all know that there was some work that had been done over the past several years to organize the Capital and get everything straightened out. And there was \$150,000 voted for the Registry windows. That project is not moving forward. I don't know the details of why? Was it not enough money or --

Administrator JACK YUNITIS: It was just never approved by the Trial Court and that was five years ago so.

Finance Director ELIZABETH BRACCIA: Okay. So here we have this \$150,000 that we borrowed in a short-term BAN. And so instead of having to pay it back because that where we were at; we were either paying it back or repurposing it.

When I reviewed the budget, there was not a budget set up to pay that back. So I think the intention at that time was to put forward a repurpose of it. It just didn't happen with all the retirements and stuff.

So we found that there's a lot of work that has to be done on the building here. So we're asking that you repurpose the \$150,000 that's sitting there to be used for that purpose.

Speaker MCAULIFFE: So the 150,000 will go to infrastructure and capital?

Finance Director ELIZABETH BRACCIA: Yes. There are several projects that have come up that need to be addressed.

Speaker MCAULIFFE: Anyone have any questions? Yes, Delegate O'Malley.

Delegate O'MALLEY: Thank you. I'm very appreciative of the explanation, and I'm glad to hear that what happened here was that the work was not approved by the court and it was somewhat beyond our control.

This was looking to me like another example of an authorization/ expenditure that we had put -- maybe approved some years ago had carried over. And it looks to me like, in fact, it's cleaning up -- it's more that process of cleaning up.

Finance Director ELIZABETH BRACCIA: Yes.

Delegate O'MALLEY: So I'm very supportive if this work needs to be done. I don't like that it's been buried in this big -- I mean I don't like to argue that this ordinance spans 2015-2016-2019; it looks bad.

Finance Director ELIZABETH BRACCIA: I know.

Delegate O'MALLEY: But I think of it as part of that house-cleaning process.

Finance Director ELIZABETH BRACCIA: Yes.

Delegate O'MALLEY: So, thank you.

Finance Director ELIZABETH BRACCIA: I think we might be at the tail-end of all that.

Delegate O'MALLEY: Yes, good.

Finance Director ELIZABETH BRACCIA: Yes.

Administrator JACK YUNITS: The relevance to that is it has to be used for capital construction of building on the campus.

Finance Director ELIZABETH BRACCIA: Right.

Administrator JACK YUNITS: And ironically enough in exploring the possibilities for relocating the Clerk, the office that we found that was most suitable has a nasty roof leak, and those numbers have come in at about the same, about \$140,000 to fix the roof leak here.

At least this will allow us to start the work of relocating the Clerk so that she's in this building in an office suite next door to us. And at the same time, we're repairing a long-standing problem for this building.

Speaker MCAULIFFE: Anyone else? Okay. Thank you. Anyone from the public wishing to comment?

**All right. So we will close the Public Hearing then for Proposed Ordinance 19-14. Thank you.**

### Assembly Convenes

#### **Proposed Ordinance 19-14:**

**To amend a portion of Ordinance 15-05 adopted by a vote of the Assembly of Delegates on June 17, 2015 and approved by the Board of Regional Commissioners on June 24, 2015, which amended Ordinance No. 15-02 adopted by a vote of the Assembly of Delegates on April 15, 2015 and approved by the Board of Regional Commissioners on April 22, 2015, and which was amended by Ordinance 16-02 adopted by a vote of the Assembly of Delegates on January 20, 2016 and approved by the Board of Regional Commissioners on February 10, 2016, by deleting the phrase "Registry of Deeds windows" in Section 1(d) of Ordinance 15-05 and inserting in its place "Repairs at the Old Jail Complex", such that the amended vote reads in its entirety (\$150,000 repurpose).**

Speaker MCAULIFFE: The Assembly will now convene, and our discussion and vote will be on this Ordinance 19-14. And as you just heard, it's for the capital expense of \$150,000 to be repurposed to this building.

**Delegate O'MALLEY: I'll move Ordinance 19-14.**

**Delegate O'HARA: I'll second that.**

Speaker MCAULIFFE: Is there any more discussion on this? Hearing none. Then we'll call for the vote, and it will be a roll call vote.

#### **Vote on Proposed Ordinance 19-14:**

**Voting "YES" (78.15%):** Mary Chaffee (4.55% - Brewster), J. Terence Gallagher (2.30% - Eastham), Lilli-Ann Green - (1.27% - Wellfleet), Elizabeth Harder (5.67% - Harwich), Christopher Kanaga (2.73% - Orleans), James Killion (9.58% - Sandwich), E. Suzanne McAuliffe (11.02%-Yarmouth), 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), Linda Zuern (9.15% - Bourne).

Absent (21.85%): Deborah McCutcheon (0.93% - Truro), Patrick Princi (20.92% - Barnstable).

Clerk O’CONNELL: Madam Speaker, Proposed Ordinance 19-14 passes with 78.15 percent of the Delegates voting yes; 21.85 percent are absent now known as Ordinance 19-13.

**Ordinance 19-13:**

To amend a portion of Ordinance 15-05 adopted by a vote of the Assembly of Delegates on June 17, 2015 and approved by the Board of Regional Commissioners on June 24, 2015, which amended Ordinance No. 15-02 adopted by a vote of the Assembly of Delegates on April 15, 2015 and approved by the Board of Regional Commissioners on April 22, 2015, and which was amended by Ordinance 16-02 adopted by a vote of the Assembly of Delegates on January 20, 2016 and approved by the Board of Regional Commissioners on February 10, 2016, by deleting the phrase “Registry of Deeds windows” in Section 1(d) of Ordinance 15-05 and inserting in its place “Repairs at the Old Jail Complex”, such that the amended vote reads in its entirety (\$150,000 repurpose).

**Proposed Resolution 19-03:**

Whereas, Barnstable County has a rich and storied history which dates back nearly four centuries, and

Whereas, Historical records indicate that 18<sup>th</sup> century citizens of Barnstable County were some of the first colonists to reject British rule, and

Whereas, Historical records indicate that on September 27, 1774, nearly two years prior to the signing of the Declaration of Independence, in response to the introduction of the Intolerable Acts which eliminated self-governance, Barnstable County officials voted to permanently ignore the Intolerable Acts, effectively ending local British rule.

Whereas, Historical records indicate that the courthouse bell, formally known as the Capt. Peter Adolph Bell, was used to celebrate the dissolution of the bond between Barnstable County and Great Britain on September 27, 1774, currently resides at the First Church in Sandwich, and

Whereas, The ringing of the Capt. Peter Adolph Bell heralded a meeting that won independence from the British Crown for Barnstable County in 1774, almost two years before the united colonies' Declaration of Independence.

Whereas, Barnstable County regional government endeavors to cultivate and promote our rich and storied history,

*NOW, THEREFORE,*

*BE IT HEREBY RESOLVED* that the Barnstable County Assembly of Delegates: Shall annually recognize September 27<sup>th</sup> as the Barnstable County Independence Day and shall encourage recognition of this day and its historical significance in the founding of our country. Furthermore, the Capt. Peter Adolph Bell which was rung at

**the county courthouse in 1774 shall be officially recognized as the “Cape Cod Liberty Bell”.**

Speaker MCAULIFFE: Our next item is a discussion and vote on Proposed Resolution 19-03, and this is to establish September 27<sup>th</sup> as Annual Barnstable County Independence Day and the Cape Cod Liberty Bell submitted by Delegate Killion.

Would you like to make any comments on this?

**Delegate KILLION: Should we just move it to the floor?**

Speaker MCAULIFFE: Yes. Would you like to move it first?

**Delegate KILLION: Yes.**

Speaker MCAULIFFE: Is there a second?

**Deputy Speaker MORAN: Second.**

Speaker MCAULIFFE: Okay. Now discussion, would you like to --

Delegate KILLION: Sure. This is in response to the event that we had last year, which was recognizing some historical events which took place in Barnstable County. That event was very well attended and very well received. And I just thought that this is something we could do to promote some -- a little cultural history in Barnstable County and perhaps maybe bring a little interest to what's gone on in the County in the past.

I also wanted to recognize a piece of that history which was the bell that was rung that day, which currently resides in Sandwich, in recognizing that bell, its significance in the founding of this country.

So I thought this resolution was a way to recognize that and that the County could participate in this activity on a yearly basis and give the County a little bit of recognition.

Speaker MCAULIFFE: Any questions, comments, discussion?

Delegate O'HARA: No, but I went to the event last year, and I thought you guys did a great job. And I learned quite a bit from everything that went on, the speeches, the role playing. I never knew that existed on the Cape. It was really well done.

Thank you.

Speaker MCAULIFFE: Anything else? Okay. We'll have the vote.

**Vote on Proposed Resolution 19-03:**

**Voting “YES” (78.15%):** Mary Chaffee (4.55% - Brewster), J. Terence Gallagher (2.30% - Eastham), Lilli-Ann Green - (1.27% - Wellfleet), Elizabeth Harder (5.67% - Harwich), Christopher Kanaga (2.73% - Orleans), James Killion (9.58% - Sandwich), E. Suzanne McAuliffe (11.02%-Yarmouth), 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), Linda Zuern (9.15% - Bourne).

**Absent (21.85%):** Deborah McCutcheon (0.93% - Truro), Patrick Princi (20.92% - Barnstable).

**Clerk O'CONNELL: Madam Speaker, Proposed Resolution 19-03 passes with 78.15 percent of the Delegates voting yes; 21.85 percent are absent and now known as Resolution 19-03.**

Speaker MCAULIFFE: Thank you.

**Resolution 19-03:**

**Whereas, Barnstable County has a rich and storied history which dates back nearly four centuries, and**

**Whereas, Historical records indicate that 18<sup>th</sup> century citizens of Barnstable County were some of the first colonists to reject British rule, and**

**Whereas, Historical records indicate that on September 27, 1774, nearly two years prior to the signing of the Declaration of Independence, in response to the introduction of the Intolerable Acts which eliminated self-governance, Barnstable County officials voted to permanently ignore the Intolerable Acts, effectively ending local British rule.**

**Whereas, Historical records indicate that the courthouse bell, formally known as the Capt. Peter Adolph Bell, was used to celebrate the dissolution of the bond between Barnstable County and Great Britain on September 27, 1774, currently resides at the First Church in Sandwich, and**

**Whereas, The ringing of the Capt. Peter Adolph Bell heralded a meeting that won independence from the British Crown for Barnstable County in 1774, almost two years before the united colonies' Declaration of Independence.**

**Whereas, Barnstable County regional government endeavors to cultivate and promote our rich and storied history,**

**NOW, THEREFORE,**

**BE IT HEREBY RESOLVED that the Barnstable County Assembly of Delegates: Shall annually recognize September 27<sup>th</sup> as the Barnstable County Independence Day and shall encourage recognition of this day and its historical significance in the founding of our country. Furthermore, the Capt. Peter Adolph Bell which was rung at the county courthouse in 1774 shall be officially recognized as the “Cape Cod Liberty Bell”.**

**Summary of Committee Reports**

- Delegate Moran provided a brief update on the Charter Recall Subcommittee
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Speaker MCAULIFFE: Committee Reports. Yes, Delegate Moran.

Deputy Speaker MORAN: Sure. I just wanted to mention that the Charter Review Committee with respect to recall have met. And that for the information to the public, certainly more input is sought from the municipalities. Some things that are being considered, whether it be recall or sanction or code of conduct, if folks have a view or certainly information about cost from the towns that that is something that the committee may be looking into in the future.

And as part and parcel of that, just that the importance of public feedback here is crucial. I know that there were some recent comments that were attributed to a County Commissioner again in the Cape Cod Times that were of great concern in suggestion about a link of a homosexual political movement. And those are the kinds of things that this committee hopes to address going forward.

So that's something to keep a watch for and please let your voice be heard.

Speaker MCAULIFFE: Thank you. Any other committee reports?

**Summary Report from the Clerk**

- **Updated Delegates regarding ongoing road construction in Barnstable Village area as it may affect travel to meetings**

Speaker MCAULIFFE: Report from the Clerk.

Clerk O'CONNELL: Thank you, Madam Speaker. I guess the only thing I just want to make everyone aware of in case you didn't see it in an email that might have been forwarded to you is the ongoing construction out on 6A. So when you come to meetings on Wednesdays or any other day, you may encounter some disruption or delays. So, plan accordingly.

That's it.

**Summary of Other Business**

- **Speaker updated Delegates regarding appointments and liaisons to various county committees as requested: R. Potash (Dredge), L. Green (Energy), J. Ohman (Grants), L. Zuern (Real Estate), J. Killion (Coastal Management), B. O'Malley (Human Right Advisory Commission)**

Speaker MCAULIFFE: Under "Other Business," I wanted to just inform the Assembly that as opportunities have come up, Assembly members had been appointed to different working groups/committees in the County.

As you know, Delegate Ohman is working with Grants. Delegate Zuern was working with Real Estate in specific on some of the Bourne property. I need my cheat list here. Yes, Delegate Green will be working on the Energy Committee when that starts to meet with the County. And then Delegate Potash has requested the Dredge Committee. So that is something that you can be involved in.

And, obviously, as these opportunities come up or if anyone has an interest and wants to be a liaison. Delegate O'Malley works with the Human Rights Commission. You certainly can let me know or we can solicit volunteers as the County makes committees and wants representation from the Assembly.

But I just wanted people to know I'm trying to spread it out so that people -- everyone gets an opportunity if they so wish to do something that interests them. And you are also on a Cape Cod Commission --

Delegate KILLION: Coastal Management Committee.

Speaker MCAULIFFE: Coastal Management, that's right. So we've got Delegate Killion too.

And that's, I think, it for now. Is there any other "Other Business"? I'll take a motion to adjourn.

**Deputy Speaker MORAN: Motion to adjourn.**

**Delegate HARDER: Second.**

Speaker MCAULIFFE: We are adjourned. Thank you.

**Whereupon, it was moved and seconded to adjourn the Assembly of Delegates at 4:20 p.m.**

**Submitted by:**

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

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

- **Business Calendar of 9/4/19**
- **Unapproved Journal of Proceedings of 8/21/19**
- **Public Hearing Notice for Proposed Ordinance 19-14**
- **Proposed Ordinance 19-14**
- **Proposed Resolution 19-03**