

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

APPROVED Journal of Proceedings - October 2, 2019

Call to Order

Speaker MCAULIFFE: Good afternoon. I'm calling to order the Cape Cod Regional Government, the Assembly of Delegates. **It's Wednesday, October 2nd, 2019. It's 4 p.m.** We are in the Barnstable County Complex -- Barnstable Regional Government Complex, East Wing Conference Center.

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 in the Armed Forces.

(Moment of silence.)

Speaker MCAULIFFE: Thank you.

Please rise for the Pledge of Allegiance.

(Pledge of Allegiance.)

Speaker MCAULIFFE: Is anyone recording? No. All right.

Speaker MCAULIFFE: Will the Clerk please call the roll?

Roll Call Attendance

Present (86.93%): 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), Linda Zuern (9.15% - Bourne).

Arrived Late (6.49%): Christopher Kanaga (2.73% - Orleans – 4:20 p.m.), Patrick Princi (20.92% - Barnstable – 4:35 p.m.).

Clerk O'CONNELL: Madam Speaker, you have a quorum with 76.35 percent of the Delegates present; 23.65 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 for today?

Deputy Speaker MORAN: So moved.

Delegate O'HARA: Second.

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

Approval of the Journal of Proceedings 9/18/19

Speaker MCAULIFFE: We have also the Journal of September 18th, 2019. Yes, Delegate O'Malley.

Delegate O'MALLEY: Madam Speaker, with a few misspelling corrections already submitted to the Clerk, I move that we accept the transcribed minutes of our prior meeting.

Deputy Speaker MORAN: Second.

Speaker MCAULIFFE: Any comments? So as amended which are literally spelling or word changes; all those in favor? Aye. Any opposed? **It passes unanimously.**

Summary of Communications with Board of Regional Commissioners

- **Commissioner Bergstrom updated the delegates on actions taken by the Board of Commissioners at the meetings of 9/25/19 and 10/2/19**
- **Induction of AmeriCorps members on 9/25/19 followed by a small reception**
- **Commissioners meeting of 9/25/19 held at the Olde Barnstable County Courthouse in recognition and celebration of Barnstable County Independence Day**
- **Commissioners accepted various grants and awarded contracts at both meetings**
- **Commissioners working on addressing an appointment to the Barnstable County Retirement Board**
- **Commissioner Bergstrom and County Administrator Jack Yunits attended a session of the Supreme Judicial Court of Massachusetts held at the Superior Courthouse Building followed by a small reception**
- **Administrator Yunits reported that a Management and Operations Audit or Overview would be conducted**
- **Administrator Yunits reported that the newly appointed County Real Estate Committee looking at real estate issues including space needs**
- **Administrator Yunits indicated that a verbal report from structural engineer is positive regarding south wing of the old jail building**
- **Commissioner Bergstrom indicated that a report on the outcome and savings related to the Early Retirement Incentive Program expected within a few days from Administrator Yunits**
- **Commissioners Bergstrom indicated the FY21 Commissioners Budget Message is being drafted**
- **Assistant County Administrator Steve Tebo reported the new county dredge experienced some minor damage during an offloading in Maryland and expect delivery to be delayed by a few weeks**

Speaker MCAULIFFE: Communications from the Board of Regional Commissioners. We have Chairman Bergstrom here and we have our County Administrator. Welcome.

Commissioner BERGSTROM: I apologize for not appearing before you the last couple sessions, but things came up at the last minute and I couldn't make it. But I understand that Jack ably stood in for me and gave you a head's up as to what we were doing.

There's been two meetings since I, well, since he spoke to you then on the 18th, the 25th and today. The meeting on the 25th didn't start until 10:30 and the reason was we had the induction ceremony for the AmeriCorps volunteers on the front of the courthouse and there was quite a crowd there. Nice day. And not only with AmeriCorps volunteers there but a lot of representatives of the organizations and towns that they work for were there supporting them, and it was quite an event. Everybody appreciated their work. I was asked to give a few words and, of course, gratefully accepted and welcomed them on behalf of Barnstable County.

We then went to a small reception over there in, I guess, in the Harborview. And had some, you know, muffins and danishes and so on, but then I had to leave and go to the meeting.

At our meeting, we held the meeting at the Olde Courthouse, which is not far from here, which is the original courthouse in Barnstable County at the urging of Delegate Killion who organized this for us. Apparently, it was the courthouse until around 1830 when they built the newer structure there. And it was in celebration of the 300th anniversary of the Declaration of Independence from Great Britain that the original colonists of Great Britain to very little effect declared, that was many years ago, so we were there.

We didn't do a great deal of business then. There was a travel report from Emily Michele Olmsted who traveled to the New England Water Environmental Association Small Community Conference on Nitrogen and Phosphorus Removal in Providence, Rhode Island, on December 11, 2019. This is important not just because of her participation but Barnstable County really encourages our employees to go to these conferences and learn more about the issues that face us and everyone else. So she gave quite a report.

We had a brief discussion on appointments to the Barnstable County Retirement Board. I'm not going to go into it but there's been an issue with our Finance Director serving as Chair of the Barnstable County Retirement Board. I'm on the Retirement Board as the Commissioners' Appointee but by statute the Finance Director is also on the board. It's only five members so. We're well represented.

There has been some discussion that whether or not she can serve, and if she can't serve then we may have to appoint someone, and it's complicated enough and in limbo enough that I'm not going to get into it because I don't really have any answers. But, hopefully, it will be resolved within a few weeks before the next meeting of the Retirement Board.

Okay. Then we did a few things in general housekeeping. We accepted a few grants. We had an agreement for a grant from the Cape Cod Foundation to the County Human Services Department in the amount of 53,000-and-some-odd for the Healthy Aging Cape Cod Project for a period of July 1 to June 30, 2020, which is the fiscal year.

We authorized our delegation of our authority to the County Administrator or their designee the power to execute appropriate documents to signify the non-exercise of the right of first refusal to purchase deed restrictions, restricted affordable housing units. This is routine stuff, the affordable housing. You know, somebody sells their affordable house and we have first refusal and we normally don't and then it's sold to

another person under the affordable housing restriction. So rather than have the Board of Commissioners sign on/off all the time, we're going to have Jack do it.

We got a grant from the Massachusetts Department of Fish and Game, Division of Marine Fisheries to the Cape Cod Cooperative Extension in the amount of \$58,334 for a joint program of shellfish propagation in Barnstable County for a period through June 30, 2020.

And we awarded a contract for the delivery and assembly of new polyethylene pipes that are going to be used for the dredge in discharging the material. So we did those things. So that was the 25th.

And then we go to today, and today the Supreme Judicial Court of Massachusetts held a session in the Superior Courthouse, and they had a small reception before they actually went into session. They also had muffins and danishes, so I've been eating a lot of pastry. I was at that one too and with some of the high mucky-mucks including myself and Jack and the Judges and the attorney -- the District Attorney were there. I didn't attend the session; it was packed. The students from Monomoy High School were there and quite a few people were there. So that was interesting, and they all came from Boston to do that. And I guess it's the first time they've done it since 2004.

So it's sort of -- and there was, you know, it didn't have anything to do with County business, but if you look at the docket, they had a murder trial, but they also had an interesting case where someone was thought of as being a drug delivery person who delivered drugs between New Bedford and Hyannis, and one of the ways they tracked him down was through the cameras on the bridge. Okay. So they can tell every time he went over the bridge. So he made several round-trip trips on a daily -- on a regular basis. And his lawyers are contending that that surveillance violates certain federal laws against privacy and that they would need a warrant actually to use that evidence against him.

So I mention it because I don't know what decision they made, if any, but that decision could have ramifications for a lot of courthouses, you know. Something similar, we go use the Mass. Pike, you know that they take a picture of your license plate and send you a bill. Apparently they can't -- they're claiming they can't use that as evidence of someone's activities.

So then we went into our meeting at 10 o'clock. The first thing is that we had -- I had asked Jack, you know, we have a lot of irons in the fire, things that are kind of in different stages of development including an engineering study on that section of the courthouse; there's the dredge, of course; then there's the proposals for solar panels around the property. We have an audit report. And at various times, you've probably heard about these things as I have and every once in a while you pop in and say, well, where is everything?

I'm going to turn it over to Jack to give you the update that he gave us as sort of an -- a view of where some of these activities stand right now.

Administrator JACK YUNITS: Thank you. First of all, on the Management and Operations Audit or Overview, the Commissioners asked us to add a line item this year for \$50,000 to pursue the possibility of having consulting firms come in and take a look at the overall function of County government to see what we're doing well and

what we could do better or what we might be doing that we don't need to be doing anymore, that kind of a thing.

And we decided that before we got there because of the rapid changes in the finance division and septic loan where we lost the long-time Septic Loan Director, in the lab where we lost the long-time Lab Director, and in the Dredge Enterprise Account where we lost a long-time Dredge Director that we wanted to do some financial audits first and especially in the Finance Department where we lost Mary.

Typically, standard practice and procedure whenever you lose key people in financial positions, you bring in audits and make sure that everything is tied up nicely. And that process is ongoing presently in all four departments. We know that we're going to make some changes in Septic Loan. We've already made changes in the Lab and on the Dredge, and we're looking at Finance now to find out how we can get closer and closer to being paperless and more efficient. And as that process continues and works to its completion, we'll be able to limit the issues for the consultants when we bring them in.

As I mentioned today, the Commissioners have been a part of a lot of consulting studies over the years and, generally, what you end up with is books to put on the shelf and nobody does anything with them.

So we wanted to be really focused to make sure that we were spending County money looking at problems that needed to be readdressed in those consulting studies. So we reported out on that.

We have created a Real Estate Committee. Linda represents the Assembly, Ron Beaty represents the Commissioners and, obviously, Facilities is Steve Tebo and myself are on that committee, and we started to look in earnest at some of the real estate issues that the County is confronted with like space needs. So we had a structural engineer come in and look at this building. We haven't gotten a written report yet, but the oral report was very positive. This building next door was built to withstand almost anything. In fact, we were told that the next time there's a tornado or a hurricane to get in that building. And we were thinking we had to take it down, so it was wonderful news. As soon as we get that in writing, we'll forward it through the Clerk to you all.

But we're looking also at some realities that are going to come up. The Cape Cod Commission is paying \$194,000 a year in rent. They've extended their lease five years, so it gives us time to say what really makes sense here. Should we be building a building somewhere on this campus? Should we be renovating space in there since they use this room anyway on a regular basis? These are the kind of things that the Real Estate Committee will look into going forward.

On the issue of solar, we've heard said time and time again that the County should be a lead proponent on rising waters. And to help combat that, we need to be a proponent, obviously, of reducing our carbon footprint. There are two avenues that we can address our carbon footprint with.

The first, of course, is putting solar up in as many places as we possibly can. We are meeting with Liz Argo from CVEC tomorrow to finalize an RFP that would have us putting solar out here in the parking lots on some of the roofs and at the County Farm. In fact, at the County Farm we might be able to get 6 to 8 megawatts of solar together, which would be a huge revenue generator for the County because these will

be leased out to the private sector for development and sale, and we'll recoup our end of the bargain on the lease revenues. So we're pretty excited about this. Hopefully, we'll have something out on the street soon.

The other issue that we can deal with is replacing some of our utilities, some mechanical utilities at the Orleans Courthouse, for instance. We haven't touched those utility systems in 40 years. So the savings at the courthouse would be dramatic and the carbon footprint reduction would be huge.

The same with this building; we don't have central heat or central air in this building. The burner blew out a few years ago. We had a nice little smoky fire, and we haven't done anything to upgrade it. We're using those little splitters that you see in the windows all the time to heat and cool the offices in that building.

Now that we know that the south building is secure and can be saved, we can start to do comprehensive looks at what we should be doing up here to save energy and to make our system more efficient. And to do that, we can probably issue an ESCO contract. It's General Law, Chapter 25E. You can use your savings as part of the financial ratio in terms of going out to bond on some of these construction projects which are very, very expensive. Here it will be. The Orleans District Court will reimburse most of that from the Commonwealth of Massachusetts anyway. They're our only tenant down there. So I think the reimbursement rate is 100 percent. The District Court, the same, and soon the Registry/Probate Court; we'll have to address the mechanical issues there as well.

So we bring in a contractor who looks at the potential energy savings for us, guarantees us that if they install System A, B, and C, we will save 20 percent. And then they ensure that savings so that we can actually use those numbers in our RFP for the bond because if they don't come back and meet those numbers, they have to pay us. That's how they get the bid, the winning bid.

So these are some of the things we're going to have the Real Estate Committee look at. We'd like to get the ESCO contract out before the winter. Solar should go out next week. These are -- and the final part of that is the charging stations. There will be charging stations. We won a small grant from DEP to buy two electric vehicles and put one County charging station down at the lower end of the hill. But we're also going to bring four public stations for now and more later down by the fire station on the campus here, all that is in the works right now.

Commissioner BERGSTROM: Jack, how about the Extension Service building at the county farm.

Administrator JACK YUNITS: Yes, the last piece is the Probate Court. The Probate Court is in dire straits for space. They're sharing desks. They have no mediation rooms. And I hope none of you have to go to Probate Court for any family or personal reasons but it's a terrible place to go. It's a dangerous place. And the overcrowding and tensions that go on in the building need to be addressed. So we're vacating that building to turn it over to the Probate Court. So it will be just the Registry of Deeds and the Probate Court in that building hopefully by July.

And to do that, we decided to do an addition at the Farm to move the rest of the Extension to the Farm and they'll all be in one place. Even though there's a conservation restriction on the farm, agriculture and aquaculture are considered part of

acceptable development on the Farm so we can move them out there because that's principally what they do.

And the upside to us is that a good part of that bond, given today's bond ratings, it will be paid for by the additional rent we'll get from the Probate Court. So we won't be going deep into our pockets. We'll, obviously, have to supplement that rent to make the bond numbers work. But given the present bond rating numbers of low twos, it's a very affordable project to do. And we've already done the design. Now we're putting out, well, we're calling for quotes on the portion of the process that requires us to get architectural building documents so we can do a construction RFP and that should be done in a month or so. But, once again, we need to have, by law, a Design Review Committee which is our Real Estate Committee. So we'll be convening a meeting of the Real Estate Committee probably before your next Assembly meeting.

Commissioner BERGSTROM: So you see there's a lot going on. Jack also told us -- I had broached the subject with him of a review of the financial benefits of the Early Retirement Program. The Early Retirement Program went in place in May. We now have replaced some people and not others. So I was hoping we could get a dollar figure of exactly what the savings were after all is said and done and, you know, how that worked out because, obviously, we're going to be covering them, the benefits for some of those employees that are gone but we're also going to have savings. So I think by next week --

Administrator JACK YUNITS: Yes, for sure. I think we'll have it to the Clerk by Friday. It's pretty much done. Justyna couldn't make it in today for reasons I forget. She had a conference or something. So we'll sit down tomorrow, and we'll finish it up and get it to the Clerk Friday. So check your emails Friday.

Commissioner BERGSTROM: Let me go through a few more things and then you guys can open questions.

We had a preliminary discussion on the Board of Regional Commissioners' Budget Memo for fiscal year 2021. I don't know if you were copied on that.

If you weren't, you will be. I'll make sure you get it. But it's just basically the opening salvo if you want in the budget process. You know if those of you who have been Selectmen or involved in town government, usually before the budget process begins the Commissioners or the Selectmen issue a budget memo saying we're hoping you can keep it within this. I mean, my predecessor used to say, "No increases."

But, unfortunately, by law we have to give some so it's not always possible. So all I can say on that is that I know from experience that you guys go through the budget every year and that sometimes you have, you know, you have an idea of how you want to go through the budget and, you know, say the Commissioners will cooperate with whatever schedule you have and we'll provide department heads, me or Jack or anybody, if you need to go through that process. And, hopefully, we'll get that settled before we start having hearings, which even though it seems like a way off, it's probably around the corner.

Then we had, as usual, we had an update on the County Dredge program. I'm going to put this as a regular item on the agenda, but Steve is here if you need any questions.

But, basically, we had a little blip. They launched the dredge onto the pavement

down in Maryland rather than in the -- I guess that's a way of saying they dropped it. And they caused some damage and put us behind in getting the new dredge by -- they said three weeks, but Steve beat them down until they said two weeks. So that's a little bit of problem. But they're going to repair it. It's their problem. They're going to repair it and then they're going to bring it back to us.

So we also issued a dredge schedule which I don't have with me, but we can copy to the Assembly as to all the --

Speaker MCAULIFFE: Yes, we got the dredge schedule.

Commissioner BERGSTROM: Okay. So you got that. You'll see the projects that are in there, and we hope to have, you know, two dredges and two -- we have two dredges and two crews that will be working at all times. And we'll have -- one dredge will be in transit so there's not any lost time, you know, of a dredge simply cruising from one town to another and not working.

And we had a meeting in this room -- was it this room -- with the Dredge Committees and informed the towns and town representatives of what's going on. And we're working primarily under the state mandated projects -- what's the name -- the word for that?

Asst. Administrator STEVE TEBO: MassWorks.

Commissioner BERGSTROM: So it looks good and barring any further mishaps, we should be in business very shortly, you know, in a few weeks.

Speaker MCAULIFFE: Good.

Commissioner BERGSTROM: And we'll be digging sand from one place and putting it to another hoping that it stays there, although it hasn't in the past but that's --

Speaker MCAULIFFE: So there won't be a significant delay because the ordinance for staffing, you know, for paying for staff for the dredge is before us today. So going forward you're still going to need that?

Administrator JACK YUNITS: No. We received an email at 3:45 today saying they expect to have the dredge back on a truck by the 14th.

Speaker MCAULIFFE: Okay.

Administrator JACK YUNITS: So there won't be a significant delay.

Speaker MCAULIFFE: Okay.

Administrator JACK YUNITS: And we'll have two dredges working by that time.

Speaker MCAULIFFE: Okay. Delegate Moran.

Administrator JACK YUNITS: In fact, Steve's going to give a full report if you want to save your questions on the dredge when he comes up in a few minutes on the funding on the ordinance for the budget.

Speaker MCAULIFFE: Okay. So save the dredge questions.

Any other questions? Yes, Delegate O'Malley.

Delegate O'MALLEY: This is for Chairman Bergstrom. You referenced a grant from the state in the amount of \$50-\$60,000 for Shellfish Propagation.

Commissioner BERGSTROM: Yes.

Delegate O'MALLEY: In my experience on both sides of the granting equation, typically grants don't go for ongoing maintenance of things, although the state may be different. Is this something we get every year? And is our budget base

predicated on we're going to get 50-60 every year from the state?

Commissioner BERGSTROM: Pretty much. This program's been in for years. I know because I'm on the --

Delegate O'MALLEY: It's pretty reliable.

Commissioner BERGSTROM: Yes, it is pretty reliable, and we supply seed and so on and other services in various towns that use it.

Delegate O'MALLEY: Good.

Commissioner BERGSTROM: Provincetown probably doesn't get as much as let's say Barnstable but it's still significant.

Delegate O'MALLEY: Good. Okay. Thank you.

Speaker MCAULIFFE: Delegate Moran.

Deputy Speaker MORAN: Thank you. So with respect to the next-door building and the report about it being structurally sound, that sounds great, but it brings me to two questions.

One is that oftentimes redevelopment can be more expensive than knocking down and building new. So I'm interested in that aspect. And, secondarily, whether that review included things like asbestos removal potential, things that might be kind of surprise expenses?

Commissioner BERGSTROM: Well before I let Jack answer that, I'll tell you that we brought up the same concerns. You know, once we got a structural analysis of the building which basically told us that the cells themselves were not necessarily structural so we could basically knock down the walls between there and that the building was sound enough to even put another story on it if we wanted to. I don't know if we would. But Jack talked about the space needs, but I brought up the subject of what is the next step and it would be an engineering design study should we conceptualize what we want to do. And even though that may take a little -- a few bucks, that will give us an idea of the cost that we're faced with.

So do you have anything to add to that, Jack?

Administrator JACK YUNITS: Yes, that's right. Then engineer -- because we were trying to make a determination as to whether or not we want to spend money to fix the roof which is a problem. We wanted to be certain that the building didn't need to come down. And that's why we had the structural engineer, and he said the bones of that building are so solid and so strong that we could add two stories if we wanted to, believe it or not.

Speaker MCAULIFFE: We'd have a great view.

Administrator JACK YUNITS: We'd have an amazing view.

Speaker MCAULIFFE: Delegate Chaffee.

Administrator JACK YUNITS: We'd have no trouble getting the Cape Cod Commission to relocate there, I guarantee it.

Yes, so that's why we did it, but it still has to be, as the Chairman just indicated, a full report on really what goes on inside if you start to work and what's it going to cost you. So that's the next step.

Speaker MCAULIFFE: Delegate Chaffee.

Delegate CHAFFEE: Thank you, Madam Speaker. Two comments. First of all to the County Executive, Mr. Yunits, thank you, so much for the report on the four

activities related to the County's response to climate change and reducing the carbon footprint. That's excellent leadership that is going to be really important as we move forward, and you know that that's been an issue for the Assembly this year.

And I also want to just make a comment since we've been talking about grants and we often get reports where just grants are listed off. But this is such an important part of the lifeblood of County government. It's about 10 percent of our total annual revenue; is that right?

Administrator JACK YUNITS: Grants? No, it's more.

Delegate CHAFFEE: It's more than 10 percent?

Administrator JACK YUNITS: Yes. Unfortunately, the way we've been budgeting historically, it doesn't really show the full effect and we're going to try to change that in next year's budget. You know, as Elizabeth indicated with Janice the other day in the conversation about what we'd like to do with next year's budget. We would like to simplify it a little bit more so you can really see the impact of grants.

For this \$50,000 or \$58,000 grant that we get is part of a grant that also goes to Nantucket and Martha's Vineyard.

But that \$58,000 leverages a huge amount of money from all the towns that participate in it and, of course, from the private and commercial suppliers that will buy the seed. This \$58,000 ends up being a \$14 million enterprise by the time the season's over on Cape Cod. And some people say it's as high as 23 million so.

Delegate CHAFFEE: And my closing comment on that is grant writing is arduous, and the County is really effective at acquiring money through grants, and I just wanted to thank you.

Commissioner BERGSTROM: Yes, well, you know, I mean I don't want to make any work for the staff, but I would love to see if we could get a list -- if we could get a list of all the grants that we have in a fiscal year.

Speaker MCAULIFFE: Yes, just list them.

Commissioner BERGSTROM: And we can't anticipate I mean, obviously, everything we're going to get because you're in the current fiscal year and list it and simply say this is either recurring or this is something one year, you know, and the purpose it's used for. And I think you'll be very surprised as to how much is coming in. Some are matching funds, some are pass-throughs, you know, we get them, and we send them out, but the County is the agency that deals with that.

Speaker MCAULIFFE: Years ago when Lance Lambros, I think it was the County Commissioners would come before the Boards of Selectmen with their pages of money that they brought to the County and a lot of it was grants and pass-throughs and things like that. But it was pages of money that the County was bringing into -- that the County government was bringing into the Cape Cod region and it was impressive.

Commissioner BERGSTROM: Yes and I don't think I've done a good enough job of going out to the communities and explaining that to them, but I hope to make up for that in the next few months and see if I can get around to, you know, that the summer's over and I can get around.

Administrator JACK YUNITS: And Mr. Chair indicated the other day at the swearing in of the AmeriCorps that we had service -- the service partners from the towns were all here; the Natural Resource Office, Conservation Officers. That

\$275,000 that we match from the federal government, that leverages over a million dollars in work for the towns on Cape Cod.

Speaker MCAULIFFE: Right for the towns.

Administrator JACK YUNITS: So it's just the value of grants. It's not the fact that we may or may not lose a few bucks in distributing the product of that grant; it's what we leverage for the towns.

Speaker MCAULIFFE: Yeah. Delegate Ohman.

Delegate OHMAN: Thank you, Madam Chair. Following up on your comment about the stuff that the Commissioners used to send out, they don't really have -- you don't have to show up for every one of those. Just having the facts sheet of how much this saves going into an election year.

Speaker MCAULIFFE: Right. It's not that we expect you to go town to town.

Delegate OHMAN: Right.

Speaker MCAULIFFE: But just what we were talking about is just a list of the grants, what's recurring, what's not recurring; I think that's impressive and that could be distributed.

Delegate OHMAN: It's very impressive and it also gives -- we always complain about the fact that no one knows what we do. But when you go to the Board of Selectmen and say, "This is what the County does for you," it's pretty eye-opening to the people that are very involved.

Speaker MCAULIFFE: Yes, it is.

Delegate OHMAN: And I think that I've been missing that. Maggie Downey used to put that together every year back in the day. And I think that's what's been missing since then. But I would love to have that happen, especially going into election year. Some people may have opponents.

Commissioner BERGSTROM: Okay. I've got a few more -- just a few more things. Just a couple of things. We authorized the advertisement for two part-time Chemists I positions for the Laboratory. We lost three full-time to early retirement. They replaced two full-time, now they want to -- they say we are going to get two part-time positions that have, you know, that don't have the benefits, so we'll save some money there. I had some thoughts about that but we're going to go ahead anyway.

And the discussion came up as to whether that was realistic to get a part-time person who has that kind of expertise to be a chemist, but I was assured by Sean O'Brien that we have the human resources especially in the retired community. We have the human resources available on Cape Cod that those positions can be filled.

So, we'll give it a shot. The other two things have to do with the dredge. We are awarded a contract for the supply and delivery of a towable diesel-powered push boat, which is something, you know, we're trying to replace some of the antiquated equipment with new stuff, so it doesn't break down and one of the things is that push boat. That cost us \$207,000 -- almost \$208,000. And when are we going to get it? Not until March, okay.

And then those -- that contract for that pipe that I mentioned earlier in the discussion is going to come true.

So that was pretty much what we did over the last two weeks since I talked to you.

Speaker MCAULIFFE: Great. Thank you, very much.

Commissioner BERGSTROM: Okay.

Administrator JACK YUNITS: Thank you.

Summary Communications from County Health & Environment Director Sean O'Brien

- **Director O'Brien reported on the Nuclear Regulatory Commission meeting he attended in Plymouth on September 11th**
- **Director O'Brien expressed concerns regarding the lack of transparency when it came to allowing the public an opportunity to make comments regarding the decommissioning process at Pilgrim 1**
- **Director O'Brien shared a letter he drafted to the NRC to express his concerns.**
- **The consensus of the Assembly of Delegates was to send a letter to NRC expressing concerns and to request a meeting with an NRC official**
- **The consensus of the Assembly was to send a letter to Holtec Int'l, the license holder for the decommissioning process, expressing concerns and to request a meeting with a company representative to talk about safety and funding for emergency management oversight**

Speaker MCAULIFFE: I'm going to go next to Sean O'Brien the Director for the County Health and Environment Department. And you recall at our last meeting we had an issue before us about the decommissioning of the nuclear plant, and there was an issue about a letter that was going to be written. So I had Sean O'Brien come in to explain to us a little bit about the background about what was going on with that letter and then what our role could be as far as that letter goes.

Welcome.

Director SEAN O'BRIEN: Well, thank you. Thank you for discussing the issue as well. On September 11th, I went to a public meeting over in Plymouth at the Hotel 1620, the usual location for NRC meetings, and went in and just kind of to listen. It was really a public hearing or a public meeting to discuss the future of advisory committees that NRC was looking at.

What happened on that evening though was very interesting and that was that a lot of the folks from our delegation, from our federal delegation looked at how the communication was between NRC and the public and really saw a problem.

And so NRC as a part of the closure process did open things up to public comment via mail and email, but there were really no public meetings that were available for the public to come in and discuss maybe some of the concerns.

So at this meeting a lot of things were discussed and a lot of it was rehashed from stuff from years past but also concerns regarding safety, regarding, you know, maybe the fact that the company that's taking over the license for Entergy has not actually closed a reactor yet. And so there were a lot of concerns that had come up.

I think the thing that kind of caught me the most though were two things and that was, Number 1, you know, I think the public needs to have some input. Number 2, yeah, there's some safety concerns and they're not going to be continuing on with

emergency management support for the town of Plymouth as a part of this.

While the plant is open, Plymouth does receive funding from Entergy to have emergency management there and that's a group that's going to plan for any emergency that may happen during the closure process. There is still going to be rods in those pools there. There are still going to be issues out there.

So it just seemed like it was the right time as Director of the Health Department and also as the Emergency Preparedness Coordinator for the County; just it was time to put a letter together and send it to the NRC.

So as you see the letter, a lot of it is about these groups, these advisory committees because really that's what the hearing was about, but I also was able to put many of my concerns in there as well regarding the safety and the public having the opportunity for input in public meetings.

We're looking at, you know, it's already been forwarded to NRC. It's been uploaded. I uploaded it to their site, and I sent it to the director or, excuse me, the Chairman of the Nuclear Regulatory Commission.

You know, we've been very lucky in the Commonwealth between legislation from Senator deMacedo and at the time Senator Wolf to have a committee, a statewide committee or a state committee put together and they've done a lot of hard work and I don't know how much -- and somebody may be able to educate me on that but I just don't know how much input they really had. It just really seems like a closed process.

And, you know, nothing's moving from that site. It's all going to be stored there. And it's how it is at Yankee Rowe; it's how it's going to be when they -- and they may be finished now at Vermont Yankee. This is just -- there's no place to bring it. It stays on site. So I think emergency planning is a big part of it.

And, you know, you'll also notice in the letter I also mention the Mass. Emergency Management Agency. They're not going to receive funding anymore for their oversight as well. And I just think as part of the closure process, I think it's something that maybe can be looked at again after things are put into dry cask storage. But I think looking at it from a safety sake, it just did not seem proper and so I felt I needed to speak.

Speaker MCAULIFFE: So the letter went from you as the department head.

Director SEAN O'BRIEN: Yes.

Speaker MCAULIFFE: It wasn't a vote of the Commissioners, an official --

Director SEAN O'BRIEN: I think the Commissioners gave me the okay to send it, yes.

Speaker MCAULIFFE: So was it just an okay or was there a vote of the Commissioners too?

Director SEAN O'BRIEN: I was hoping to use the fish, which is the letterhead. So that was why I brought it forward to the Commissioners. I wanted to make sure the Commissioners knew what I was doing.

Speaker MCAULIFFE: Yes, but I'm just splitting hairs here. I just want the Assembly -- I have no problem -- the Assembly, you know, voted to send the letter, and I know that the Assembly will vote regardless of what the Commissioners' voted.

Director SEAN O'BRIEN: Sure.

Speaker MCAULIFFE: I just wanted to make sure that was this -- this is --

Director SEAN O'BRIEN: I don't think it was a meeting vote, no.

Speaker MCAULIFFE: Okay. But it was permission to represent the County as the department head?

Director SEAN O'BRIEN: Yes.

Speaker MCAULIFFE: And I know that's splitting hairs. But I just wanted people to be aware of exactly what's going on, and I applaud your initiative and your stepping forward on something that you see is not going the way you believe professionally it should be going.

Director SEAN O'BRIEN: I agree. I mean, and no matter what, it's on Cape Cod Bay.

Speaker MCAULIFFE: Yes.

Director SEAN O'BRIEN: So it could be ours too.

Speaker MCAULIFFE: Yes.

Director SEAN O'BRIEN: It is ours.

Speaker MCAULIFFE: So I think I just wanted people to be aware of what the issue was. I know you had approved a letter going out, but it wasn't quite as clear-cut once we got all the information.

So going forward, the Assembly is happy to follow through on its decision from the last meeting to send a letter out.

Director SEAN O'BRIEN: Sure.

Speaker MCAULIFFE: My question to you is is this something -- and we will take an official vote on that --

Director SEAN O'BRIEN: Sure.

Speaker MCAULIFFE: -- to support your position if that's something that you feel would be helpful?

Director SEAN O'BRIEN: I think it would be great.

Speaker MCAULIFFE: Okay.

Director SEAN O'BRIEN: Yes.

Speaker MCAULIFFE: And we can adapt the letter to be more specific to the nuclear issues as opposed to some of the other issues that you were addressing as well.

Director SEAN O'BRIEN: I sent my letter, just so you know. I guess I had heard from the public information officer that as long as I was talking about committees, I could upload the letter and that's what I did to their system. There was the ability for me to email it into NRC.

But I also felt it was important for me with this letter to address it directly to the chairman of the NRC, and I also sent it to their mailing address as well. And that was, you know, just in case; I just think our point needed to be made.

Speaker MCAULIFFE: Yes and we can certainly take our cues from your expertise.

Delegate Harder.

Delegate HARDER: Thank you, Madam Speaker. Who is the license holder - Holtec?

Director SEAN O'BRIEN: Holtec, yes.

Delegate HARDER: Not ever having closed a plant before --

Director SEAN O'BRIEN: Sure.

Delegate HARDER: -- as I understand it, they claim they can close it in two, something like that, two years where most people usually take eight to ten.

Director SEAN O'BRIEN: Yes, I've heard some things on the timing. You know, it's not necessarily my area of expertise, but, you know, I know it has been a concern for some folks and that was actually brought up in the public meeting on September 11th.

Delegate HARDER: Okay. Because that, I think, might want to be mentioned in our letter.

Speaker MCAULIFFE: Yes, unfortunately.

Delegate HARDER: Because that scares me to death.

Speaker MCAULIFFE: I think my experience with utilities is because there's a public good kind of mantle over all public utilities, there isn't a lot of public input allowed. In fact, years ago Maura Healy had to start an office or an advocate for municipalities and ratepayers to address public utility issues because the public utilities are very down their path and don't really want input or take input or they pretty much do what they're going to do. And that's unfortunately just my experience over years with public utilities.

Delegate O'Malley.

Delegate O'MALLEY: Thank you, Madam Speaker. So just in follow-up, not only has Holtec never done one before but they now are -- they're now in contract to decommission four nukes.

Director SEAN O'BRIEN: I've heard six.

Delegate O'MALLEY: Six, okay. It gets worse. There is approximately a billion, \$900 million decommissioning fund.

And I don't fully understand so I want to get from you what they're going to use that for and what is being excluded? It seems like emergency planning is excluded.

Director SEAN O'BRIEN: Right, is excluded.

Delegate O'MALLEY: Site remediation?

Director SEAN O'BRIEN: That I'm not sure about.

It was the emergency management part of it that really said something to me. Because you're in this closure plant which now granted the reactor is not running but there is still fuel rods there.

And things are going to be moving and moving around out of the pool into dry cask storage and everything else. It doesn't seem like the right time that those things should be changed.

At the hearing or at the meeting on the 11th, there were quite a bit of -- there was quite a bit of concern brought up about how that fund would be spent as a part of it.

Delegate O'MALLEY: And is that going to leave the neighboring towns and communities holding the bag for picking up those costs?

Director SEAN O'BRIEN: Well, I mean probably. I mean it depends to what extent they're going to be doing emergency management. You know sometimes when things like this happen, the program goes away and that isn't necessarily the right thing either in this. You know, they pay for a full-time emergency manager in Plymouth. I think Duxbury and probably a few of the other surrounding towns also receive some funding in order to do that.

Delegate O'MALLEY: And there is local radiation monitoring that is currently ongoing.

Director SEAN O'BRIEN: Yes.

Delegate O'MALLEY: And I have the feeling that's going to go away.

Director SEAN O'BRIEN: I think there's a potential there for that. But, you know, those are things that you would like to hear in a public meeting.

Delegate O'MALLEY: Right.

Speaker MCAULIFFE: Yes, and that's something, you know, in addition to supporting our department head in terms of the concerns of the emergency management and the safety concerns is also we can address, by the way, the lack of public input and the public comment; it is not sufficient either.

I have two people. Delegate Gallagher and then I'll come to you.

Delegate GALLAGHER: Thank you, Madam Speaker. Thank you, Sean.

If Entergy, the previous owner, was providing funding for emergency management planning, I don't think they were doing it out of the goodness of their heart.

Director SEAN O'BRIEN: No, they're required to do it as part of NRC.

Delegate GALLAGHER: They're required to do it.

Director SEAN O'BRIEN: Yes. And so the company has petitioned NRC or actually Holtec has petitioned NRC because the license is already transferred. And so Holtec has petitioned NRC to not fund those services.

Speaker MCAULIFFE: So we should weigh in then.

Delegate GALLAGHER: I believe that the NRC -- well, it reflects a change in administration and the difference of requirements. And I understand that the transfer of the license itself also was part of, let's call it, the rather secret process. It was a hasty meeting.

Director SEAN O'BRIEN: That was a big issue.

Delegate GALLAGHER: Yes.

Director SEAN O'BRIEN: And it is a big issue. I mean for something like that, I think it's important for, you know, I think people who have had this in their community for a long time should've had input. There's a lot of knowledge regarding that plant in that town.

You know, what was interesting was I think you're looking at people in town who are now realizing that those fuel rods are going to be there forever unless -- I mean, Yucca Mountain's never going to open. Nobody wants it. So it's all going to stay on-site and that's the hard part.

Delegate GALLAGHER: So this is a global issue actually? There is no --

Director SEAN O'BRIEN: At least national.

Speaker MCAULIFFE: Yes.

Delegate GALLAGHER: I believe there's no facility in the world for end storage of nuclear waste. But I believe that the secrecy surrounding the transfer of the license or the haste with which that was done has also come to the attention of Attorney General Maura Healy.

Director SEAN O'BRIEN: It has.

Delegate GALLAGHER: And she is going to sue.

Director SEAN O'BRIEN: Yes.

Delegate GALLAGHER: So I think you should send your letter to her also.

Director SEAN O'BRIEN: Yes.

Delegate GALLAGHER: That's my suggestion.

Speaker MCAULIFFE: And we can do that as well.

Delegate GALLAGHER: Yes, cc'd.

Speaker MCAULIFFE: Delegate Green.

Delegate GREEN: Thank you, Madam Speaker, and thank you, Sean, for your report and your diligence in following this issue for many years. I have a lot of the same concerns that everybody else has as well as the concern regarding climate change and storage of in the dry casks especially concerning sea-level rise. That's a huge issue as well, I mean, and that is not going to be addressed at this point either.

So maybe we can address that in our letter as well. Thank you.

Speaker MCAULIFFE: Yes, Delegate Princi.

Delegate PRINCI: Delegate Green, thanks for mentioning that with the sea-level rise because that's my biggest concern because, essentially, they're basically, you know, stored, the containment is considered like a steel entrapment that's bolted --

Director SEAN O'BRIEN: Right.

Delegate PRINCI: -- and they sometimes put the casting with concrete and so forth. But what's the type of maintenance plan that goes into that and what could that withstand as far as any potential natural disasters?

Director SEAN O'BRIEN: I think that would have been a great question to ask them. You know, and I think that's kind of the point is that opportunity I think for the public or for, you know, anybody. It was held in such a way where nobody really knew what was happening with the license transfer. Now, I'd be happy to get the data for you.

Delegate PRINCI: Okay. Thank you.

Speaker MCAULIFFE: And I think going forward, we took a vote last week and I think I just wanted to make sure that everybody was clear about what was going forward.

Delegate O'Hara.

Delegate O'HARA: Thank you, Madam Chair. So with all of these questions that we have as a board here, I think it's our responsibility to stand up and protect the residents of Cape Cod. Like you said, it is in the Bay -- it's on the Bay; why aren't we asking a representative from this committee or whoever -- you say they or them, why aren't they here before us and answering our questions? We're here to protect our residents, ask the questions that need to be asked, and let's get some answers. Why don't we just send them a letter requesting their presence here?

Delegate GREEN: Yes, Sean has tried before.

Speaker MCAULIFFE: Yes, that's an excellent point and my response is having dealt with a lot of other energy issues, they typically don't respond. What they typically do is they have a PR person who handles the PR, but you don't necessarily unless they required to do it that you don't necessarily get their accountability.

Director SEAN O'BRIEN: And if I may respond and that really comes down to how NRC has been doing this. I mean we have a Deconditioning Advisory Board here

in the Commonwealth of Massachusetts, and we're very ably represented by John Flores who is from the Town of Barnstable, and we also have Senator Wolf, you know, our former Senator Wolf who sits on that committee and very passionately, you know, try to get their point across in these hearings. And this committee has done a lot of work here in the Commonwealth to try to get their information and, unfortunately, I don't know if it goes beyond deaf -- falling on deaf ears. It's just one of those things, but that might be something in the future is to maybe see if Senator Wolf would come in.

Speaker MCAULIFFE: Yes, Delegate O'Hara.

Delegate O'HARA: Why can't we make this a public request? I mean put it in the paper, put it out there, send them the formal request to come to the meeting, talk to John Flores, Senator Wolf, let's get them here. Put the pressure on them --- in the newspaper. These are our residents, these are our families, these are the people that we grew up with. It's our responsibility to step up and ask these questions.

Speaker MCAULIFFE: Delegate Kanaga.

Delegate KANAGA: Yes, thank you.

The question is this. I don't think letters are necessarily effective. And so my question is what is the subpoena power of the Assembly and why not just do that if there is one?

Speaker MCAULIFFE: Oh, that's worth looking into.

Delegate KANAGA: And we probably have someone here who could answer that.

Speaker MCAULIFFE: Yes, we do because we do have subpoena authority. That's an excellent question.

Delegate KANAGA: Because it ought to be that, not a letter in my opinion.

Speaker MCAULIFFE: Yes....no, and I agree letters aren't effective, but letters do put you on the record.

Delegate KANAGA: Right. I'm not interested in being on the record. I'm interested in having answers.

Speaker MCAULIFFE: Yes, well, sometimes that's all you get is being on the record, unfortunately.

Okay. Delegate Killion.

Delegate KILLION: Thank you, Madam Speaker. Mr. O'Brien, what do you see the role of this advisory committee being in all the matters that we've discussed today and what their effectiveness could be?

Director SEAN O'BRIEN: Well, I think my concerns were if this committee is formed, you know, I don't think it should be a symbol. It should be able to have input with NRC. I did not suggest it in my letter, but I also think that there already is a committee that has been formed by the Commonwealth of Massachusetts, this decommissioning committee with people on it who could assist with that.

I think a lot of it is going to be just, you know, input and dealing with the public concerns and dealing with the concerns regarding safety on the closure process. I think, you know, I think making sure that people have a voice I think is a part of it but also looking and saying, you know, why aren't we doing emergency management on this site through the closure process?

I mean I understand that when things are in dry cast storage maybe that's the point where you start to say, okay, we don't necessarily need to support this option anymore. But with that, I think also just, you know, making sure that the companies that are working there are listening to their neighbors and dealing with that input. And that's really what they were looking for was kind of a conduit between the public and the company, but I think the only way it's going to work is if they have an open door.

Delegate KILLION: So is it more about community outreach then so that the public is made aware of the process and how they're going about solving problems?

Director SEAN O'BRIEN: Yes and input and for folks who are in the know to be able to say, hey, listen, we need to have an emergency manager in this town until this date when this closure is done, or we need to have a representative from the Massachusetts Emergency Management Agency still maintaining emergency response plans that were developed by the state should there be an emergency. And so I look at it as having a couple of functions.

Speaker MCAULIFFE: So I'm going to -- oh, I'm sorry. Finish.

Delegate KILLION: Because I do see the greater problem here is the fuel on-site.

Director SEAN O'BRIEN: Yes.

Delegate KILLION: And I think all of us here should take it upon ourselves to speak to our federal representatives about that because this is technically material owed by the federal government.

Director SEAN O'BRIEN: It is.

Delegate KILLION: It's their entire responsibility and they had agreed with the plant so, therefore, with the community that they would handle this problem and they've dropped the ball immeasurably. And I think that we're about to spend trillions of dollars to try and lower the temperature half a degree, we should be spending money -- this is a real problem -- and it exists all over the country. I mean this is material that's probably the most poisonous to mankind and its sitting 30 miles away. And, sure, we're going to put in some very tight storage, and I suggest to everyone there's plenty of information on these casks online. You can find out a tremendous amount about them. They're very secure. They're probably as secure as the reactor itself, but the bottom line is it's not solving anything. It's just, basically, kicking the can down the road.

Director SEAN O'BRIEN: Yes, it's just storing it until it -- until if there is a degradation with it, those are answers I can't give you yet.

Delegate KILLION: But the degradation is 100,000 years.

Director SEAN O'BRIEN: Of the material.

Delegate KILLION: Exactly, so it's not going to solve anything. So, again, I think that if we want to get involved in this matter there are a number of ways to approach it. But I think holding our elected officials' feet to the fire on doing something about it is equally as important.

Director SEAN O'BRIEN: And just so you know, Representative Keating, Senators Warren and --

Delegate HARDER: Markey.

Director SEAN O'BRIEN: -- yes, Markey, sorry, were both -- they had representatives both -- all three of them were present there with pretty strong responses

to NRC.

My understanding is the reason why NRC was even at that meeting that night was because of request of Congress.

Delegate KILLION: But, you know, I can appreciate their input, however, we've all been around a long time.

Director SEAN O'BRIEN: Exactly.

Delegate KILLION: We've all heard the speeches, and nothing ever gets done. So we've got an election year coming up and I suggest everyone engage their elected officials in how they're going to deal with this problem.

Speaker MCAULIFFE: Excuse me; I'm going to move the agenda forward right now. This is going to come back to our next meeting. I think we can look into what subpoena power we have. We will go ahead and write a letter. Some of the suggestions about contacting our legislators, but I would like to agenda this again at our next meeting. We have a public hearing; we have a vote, and we have another meeting scheduled and this could roll us into beyond how late people can stay.

So I thank you, very much.

Director SEAN O'BRIEN: Thank you.

Speaker MCAULIFFE: And we will be talking more about this and moving this down the road to a future agenda. But we will go ahead with our letter and then look into what else we can do around this for the meeting.

Director SEAN O'BRIEN: Great. Thank you.

Speaker MCAULIFFE: Okay.

Delegate HARDER: One quick second?

Speaker MCAULIFFE: All right. I have to move this forward. If I let you go, then it's not fair to the others. I tried to let most everyone has --

Delegate HARDER: Diane Turco.

Delegate MCCUTCHEON: Point of order, Madam Speaker. I put a motion on the floor.

Speaker MCAULIFFE: No, you didn't. You said, "Could we make that a motion?" You did not put a motion on the floor. So we have moved on. We have a vote from the last meeting about the letter.

Delegate O'MALLEY: Consensus.

Speaker MCAULIFFE: It was a consensus but that will go out.

Delegate O'MALLEY: Yes.

Speaker MCAULIFFE: The letter will go out and I think what we need to do now is find out what else we can do, bring it back to the next meeting, find out if, in fact, we do have any subpoena power to bring people in or we'll talk about what else the Assembly wants to do.

This is too big a topic to squeeze in and cut it off and not give it just due. I did not realize it was going to be such a big topic because we do have a couple of other things scheduled. So unless people want to stay until seven which I don't think people can.

Delegate O'HARA: Excuse me, Madam Chair. I mean, with all due respect, I mean I think everybody's been pretty agitated about this and not all of us are on the same page here. I don't think it's going to take much if we make a motion to send them

the letter, ask them -- a demand letter to show up at our meeting and explain themselves and their actions and bring us into -- up to date as to what the plan is here.

Speaker MCAULIFFE: Okay. So not necessarily a subpoena? See, we don't have the information on a subpoena.

Delegate O'HARA: Exactly. We can do the subpoena next month, the next meeting, but we can ask for the demands and have someone come in here.

Speaker MCAULIFFE: Okay. Does someone want to make a motion on that then?

Delegate MCCUTCHEON: I'll move it.

Speaker MCAULIFFE: To put a letter forward to the NRC to or --

Delegate O'HARA: Representatives and, you know, we can ask Sean who should it be addressed to and where to move it forward.

Speaker MCAULIFFE: Okay.

Delegate O'HARA: Put a demand and have the Assembly make a motion on it and a vote.

Speaker MCAULIFFE: Okay.

Deputy Speaker MORAN: I'll second for purposes of discussion, but I see that counsel is ready to --

Delegate MCCUTCHEON: Subpoena power.

County Counsel TROY: Madam Speaker, under Section 2.7 of the Charter, "The Assembly has the authority to summon witnesses to testify and to produce books and papers at any hearing before it." So you do have subpoena power.

Speaker MCAULIFFE: Okay. So if a demand letter doesn't get a response, then we go to subpoena those records.

Delegate O'HARA: Perfect.

Speaker MCAULIFFE: Yes, Delegate Harder.

Delegate HARDER: Thank you. I just wanted to say that if we're going to be discussing this at the next meeting perhaps, and I will happily reach out to her, we could ask Diane Turco or one of the other members of the Downwinders or one of those other groups who really knows the ins and outs and has attended the meetings to come and explain to us the actual details of what's happening.

Speaker MCAULIFFE: Okay. I might not be able to fit that into the structure of our meeting, but we certainly could make that available perhaps before a meeting if people want to come in and get some information. There potentially may be a public hearing at the next meeting as well. So we have to, you know, it doesn't necessarily have to be the next meeting either.

Okay. So there's a motion and a second about sending a letter to appropriate contacts to have the NRC actions explained or justified or questions answered before the Assembly.

Delegate O'HARA: Yes, I'd ask them to attend the meeting.

Speaker MCAULIFFE: To attend, okay, to attend a meeting.

Delegate O'HARA: Yes, send a representative to attend to have people that can answer questions.

Speaker MCAULIFFE: Okay. Anything else on the motion?

Delegate O'MALLEY: Specifically.

Speaker MCAULIFFE: Yes.

Delegate O'MALLEY: Specifically, I think this letter has to go to Holtec officials.

Delegate HARDER: Yes.

Delegate O'MALLEY: We need to hear from them. They need to answer to the community. And I think we have to be very clear they're particularly the ones that we want to get some answers from.

Speaker MCAULIFFE: Okay.

Delegate O'HARA: They're the enforcers.

Speaker MCAULIFFE: Okay.

Delegate GREEN: But we want -- we want NRC here.

Delegate O'HARA: Yes.

Delegate GREEN: We want NRC here. I mean --

Speaker MCAULIFFE: This is why I'm saying -- this is too -- we are flying around here. This is too much to handle in a few minutes. So I'm happy to send a letter/note to the people that Sean O'Brien has identified. **We can include Holtec and we'll see what kind of response we get. Is there consensus - I'm going to take a vote.**

Speaker MCAULIFFE: All those in favor? Aye. Any opposed? Any abstentions? **Okay. So we will go forward with that.**

And then this, obviously, will be on future agendas as well. But we could go ahead and start that ball rolling and see what kind of response we get.

Okay. All right. I didn't realize I was opening up such a huge -- but you're right. I mean this is in our --

Delegate POTASH: Power.

Speaker MCAULIFFE: -- in our power, yes, in our bailiwick.

Thank you, Sean.

Director SEAN O'BRIEN: You're welcome.

Speaker MCAULIFFE: Any communications from public officials?
Any communication from members of the public?

Public Hearing on Proposed Ordinance 19-15

Speaker MCAULIFFE: Okay. On our agenda, we have a Public Hearing on Proposed Ordinance 19-15, which is the dredge supplemental budget of \$584,500, and this is for funding for labor on the dredge.

We have Steve Tebo, Assistant County Administrator to give a brief update on that and answer any questions. This is a Public Hearing so a little bit of information. I don't see anyone here from the public so it will just be a question and answer for the Assembly, and then we'll convene and take a vote.

Asst. Administrator TEBO: Okay. Great.

Speaker MCAULIFFE: Thank you, Steve.

Asst. Administrator STEVE TEBO: Thank you. So last year when we were doing the budget, we kind of were in an influx of where we're actually going to go with the dredge program. We had a lot of variables.

One of which was the old Codfish. We weren't sure of the serviceability of it. So before we staffed up for running two dredges, we had to confirm that the Codfish was able to work and that we'd be able to procure a new dredge for this season, both of which have happened.

You heard Speaker Bergstrom mention earlier that the new Codfish in Ellicott was dropped two feet off of a come-along system on Friday night and sustained some damage to the hull. Luckily, it didn't damage any of the hydraulics or any of the computer works in it. So it should be here by the 14th.

I am probably going to fly down early next week just to confirm and visually inspect the repairs to make sure that it was actually removed and replaced, not just bent back into place which sometimes you can do with metal. But for a \$1.3 investment, we're going to make sure that it's done correctly. So I will go down I'm probably guessing early Monday or Tuesday next week to just visually inspect the repairs.

Moving forward to what's before you tonight, we have \$80,000 for a Professional Tech Services. This goes to kind of three things. It's going to cover, one, helping me create a budget mechanism to depreciate the value of the current equipment that we have with the dredge. We currently do not have a depreciation schedule for anything that we own with the dredge, and I think that's why the budget for this year is kind of -- that's why I'm before you today because we have no way of a mechanism of replacing vehicles within the dredge. So we have some equipment that is well past its life expectancy for being on the ocean. You can pretty much guess 15 to 20 years would be the life expectancy of things. We have some vessels that are from 1960. So we're trying to replace those as fast as we can to make it safer for both the operators and just safe so we can provide a quality service without breakdowns to the towns.

So \$80,000 is part of that is going to go towards creating that program with me. The other part is to do service and the other part is just going through the permit process. I don't know if anyone's ever seen a dredge permit? I, for the first time, saw one about six months ago. It's about this thick.

There are various agencies involved in it. I mean you can muddle your way through and get the highlights of it, but there's always some underlying kind of contradiction between state and local and state and federal permitting. So we have someone looking at that for us to make sure that we're putting the sands back on the beach in a proper manner. So that was just something that I recognized that was above our capabilities at the time.

And, quite frankly, it shouldn't be something that we should dedicate a person to just try to look through the permits to make sure we're putting it back on the sand correctly.

The other one was \$251,000 -- \$251,720, that's for the new staff, that's benefits included all in. And then the uniform and safety gear were for 10,000. Again, just identifying just having -- making sure that they have the proper OSHA safety gear to be out on the vessels with it. So its \$10,000 just to quickly uniform the guys, that includes reflecting gear, lifejackets, survival suits, things of that nature.

Then the excavator; this is replacing a crane that was built in 1953 that's been on the water its whole life that's never been inspected. So we are removing that from the barge and putting an excavator on it to serve its purpose. Anyone who's ever done

any work with cranes, they get inspected about every six months. So that's where we're at with that. So that's going away and we bought an excavator and the excavator's going to replace it.

The excavator gets inspected once a year. It's a pretty standard inspection. It's just a hydraulics license to operate it, which two of the guys have. It's a very simple kind of safer environment to be in. So that's basically what's in front of you. Sorry.

And then the push boat, \$207,000. Again, that's replacing a push boat that we bought I think it was 1996. I'm not a hundred percent sure on that. So we're going to have two working. We had some service done on the older one. It's still a serviceable boat but, eventually, that's going to have to be replaced too.

So it's just kind of getting us up to speed on creating two platforms which we can operate on two dredges working at all times and that's our goal right now.

Speaker MCAULIFFE: Excellent. Thank you. Any questions on the -- Delegate Killion.

Delegate KILLION: Yes, thank you, Madam Speaker. In regard to the damage to the new dredge, have you seen the damage that was undertaken? And how would you describe it?

Asst. Administrator TEBO: It's a bent piece of channel line, so it's not catastrophic but it just depends on how they repair it is going to be the crucial thing. They've assured me that they're replacing the four surrounding sections of the barge. So in that case there's no difference in it being new if they replace the four surrounding sections. I just want to confirm that that actually gets done.

Delegate KILLION: Have you considered hiring an independent engineer to evaluate the repairs to ensure that it's structurally like new? I mean I know when I buy something new, the last thing I want is something that's been damaged before I get it.

Asst. Administrator TEBO: Right. I actually hadn't thought of doing a structural engineer on it. I think with my experience I can dictate whether or not it's structurally sound. But if I go down there and I don't -- and the thing that you would have an engineer to kind of inspect would be the welding portion of it and the metal is to metal. It's straight; it's structural. It's stamped for what it is. You would have someone go down and literally x-ray the welds going into it, which is something that I can actually have them do on their cost too because it's part of, you know, of the structural integrity of the build. So that's something I would definitely consider.

Delegate KILLION: I would consider having them pay for an independent evaluator.

Asst. Administrator STEVE TEBO: Yes.

Delegate KILLION: I would not want them inspecting their own work.

Asst. Administrator STEVE TEBO: Yes, under the kind of the guidelines of an engineer, you can't do your own inspection so it would be an independent one.

So that's something I'll bring up to them. To be honest with you, I haven't even thought of it. I'm just more frustrated, let's say, on Friday when I got the call.

Delegate KILLION: Understandably so.

Asst. Administrator STEVE TEBO: My head's been kind of reeling around that and I'm just trying to logistically work it out so I can get down there and visually see it.

As you know, I'm a very hands-on person, so I just wanted to see it for myself.

And I didn't think of an expert coming in and looking at it, but that's definitely something we'll have -- bring up to them tomorrow in my phone call to them to have it independently inspected.

Delegate KILLION: Great. Thank you.

Speaker MCAULIFFE: Okay. Yes, Delegate Moran.

Deputy Speaker MORAN: So just a similar question to what Delegate Killion had just asked. You know, you think about an accident and, you know, for example, hurting a frame or a hull, I don't know if that's the case here, but in addition to the inspection, I assume if there was a crack in the, you know, the major support section, not just the wells, that would be reviewed by the independent expert as well.

Asst. Administrator TEBO: Sue, I'm trying to think of an easy way to describe it. Basically what you have is just sheets of ply -- sheets of metal; sorry, I'm so used to plywood, sheets of metal. You know, they're seamed together and welded together. So what they're doing is going to, let's say, that one of the cracks was on this seam here, so they're going to replace all four sections that come in contact with that crack so you're essentially just starting over from the new -- that's how it's put together originally. So they're just removing anything that could have been possibly damaged within that bend. And it's literally maybe a three-inch deflection of what it was. So it's not catastrophic cracks in the metal or anything. From the pictures, I've gotten 30 or 40 pictures of it, and it's just a deflection within the metal. So, in my opinion if they replace the four surrounding pieces, there shouldn't be any overlook. But, again, I didn't even think of having the welds inspected after that and that's something that we would definitely do.

Speaker MCAULIFFE: Did you have something else you wanted to add?

Delegate O'HARA: Yes, I did. And it was just -- to see his point and he said, "You know, it hit there, and you had four points right there." But also, additionally, sometimes the stress transfers further back. So I think it makes all the sense in the world to have the vessel surveyed. And somebody with expert techniques.

And, again, I just -- it wasn't even -- I'm trying to get down there just to look at it physically, like hands-on like, all right, let me see what's going on here.

Speaker MCAULIFFE: Delegate Potash.

Delegate POTASH: Thank you, Madam Speaker.

First of all, I want to say thank you for your expertise, and it seems like the dredge program has really turned around 180 degrees since you came onboard and you've worked really hard. And you were correct about the Codfish being able to be salvaged, and I noticed that, and I commend you on that.

Asst. Administrator TEBO: Well, I actually have to -- Jack was correct in it. I deemed that thing not being worthy.

Delegate POTASH: Oh, I thought it was the other way around. All right.

Asst. Administrator STEVE TEBO: Jack kept pushing me and so I'll give Jack all the credit on that one.

Delegate POTASH: Oh, I could have sworn it was the other way around, so I apologize. Well, Jack, good job.

Anyway, a couple of things. I echo my fellow Delegates as to everything they've said, but I'm concerned about the electronics because if you drop a computer maybe it's not cracked, but if you shake the electronics to their core, will you know

before you get it in the water?

Asst. Administrator TEBO: Yes, so the good thing about this dredge that we're buying, there's virtually no electronics on it. We went back to the old school hydraulic -- so it's hydraulic closes, hydraulic cylinders. There's as minimal electronics on this vessel as we could possibly put on it.

So I'm not too terribly concerned about it. And then the location of where it was is not that relatively far away from where the electronics are actually stored.

But the only electronic component on it is the starting -- it's for the motor of the diesel-powered generator that powers the pump and it's about this big. Everything else is stripped down to hydrolyze. We went back to basics which is what we needed for what we do.

Speaker MCAULIFFE: Yes, simpler. Delegate Zuern. Oh, I'm sorry, were you done?

Delegate POTASH: I wasn't really done yet.

Speaker MCAULIFFE: I'm sorry; oh, I'm sorry.

Delegate POTASH: Yes. I don't usually take very long so it shouldn't be a concern. So just back to that one topic quickly, should there be grace period once you get it back here? I mean what's the warranty on that.

Asst. Administrator TEBO: One year.

Delegate POTASH: All right.

Asst. Administrator STEVE TEBO: So once we have it under operation, we have a one-year warranty on it so.

Delegate POTASH: Okay. Because we wouldn't want to have that kind of embarrassment. And then right to that same thing, I heard the meeting this morning and I perked up when I realized that the amount we charge for the dredging has not been increased in 15 years?

And I agree with Jack that this is not the year to increase it given everything's that's happened and the bad reputation basically the Dredge has, the program has. But what about presenting everything that you just said to us to all the towns and make it known to them, look, you know, we've had problems; you've had a discount; we haven't gone up --- but we plan to.

Asst. Administrator STEVE TEBO: Right.

Delegate POTASH: So this year would be sort of like a double-secret probation year for the dredge. And if everything goes well -- then if everything goes well, you know, it should be noted that we need to get up to speed because this kind of reminds me like you could be given a Mercedes but maybe you don't have the money to fix it.

Asst. Administrator STEVE TEBO: Right.

Delegate POTASH: Because I understand that the Codfish was provided without cost, right?

Asst. Administrator TEBO: Yes.

Delegate POTASH: But that doesn't mean you can keep it up.

Asst. Administrator TEBO: Right, and that was just part of we had a dredge meeting with the people appointed from each town, I believe it was last Thursday or last Wednesday, sorry, days are blending together with me right now, and it was mentioned then that prices will be going up and it's been hinted to numerous times with

them. I don't want to commit to what the increase is going to be until I'm able to present -- you folks are the ones that set the prices --- before any operation for a County government. So once I get something together that I feel comfortable presenting to you, then we'll have a further discussion with the towns.

Delegate POTASH: When do think that will be because we need to make sure that -- because when the towns do their budget, we're out for 12 months, what's happening, right?

Asst. Administrator STEVE TEBO: Right. So I'm hoping I can have something to you by December. But, again, with these three dredges going online and the cleanup at the Fire Academy, my time is kind of pressed. So I'm trying to do the best I can with it. Obviously, Jack's assisting me or helping me with it.

And with this new Professional Tech Services, it will take some of the load off of me. But I'm trying to get it to you hopefully by December. Plus I've got to do a budget for you too so.

Delegate POTASH: Thank you.

Speaker MCAULIFFE: Delegate Zuern, are you all set?

Delegate ZUERN: Yes. Thank you, Madam Speaker. My question was about the warranty as well, and I was just thinking if there was damage to the dredge that they may be willing to extend that warranty a couple more years so if they're very sure that they've corrected it --- I would think they would be willing to do that.

Asst. Administrator TEBO: I'm going to have to check again on what the hull warranty is because it would be -- I was more speaking of electronics that are based on it was a year. The hull might be longer. I just can't honestly speak to it right now. It probably is longer. Usually, the middle of the hull of a ship is warrantied more than a year, but the electronics is typically a year because of the exposure and the weather -- the exposure to the weather from where it is. But I'll double check and I'll get back to the Clerk on that to answer that question.

Delegate ZUERN: Thank you.

Speaker MCAULIFFE: All right. Is there anyone from the public who wishes to comment on this ordinance? It's for the \$584,500. Okay. Seeing no one, **I'll close the Public Hearing.** Thank you, very much.

Assembly Convenes

Speaker MCAULIFFE: The Assembly will now convene. Any committee reports to come before us? None at this point. Okay.

Proposed Ordinance 19-15:

**The Cape Cod regional government, known as Barnstable County hereby ordains:
To add to the County's Dredge operating budget for Fiscal Year 2020, as enacted
in Ordinance No. 19-06, by making supplemental appropriations for Fiscal Year
2020.**

Section 1.

**Based on a revised estimate of the cost to keep up with the demand to run two
dredges for the current fiscal year, made as of September 18, 2019, the sum set**

forth below, for the purpose set forth therein and subject to the conditions set forth in sections two through four of Barnstable County Ordinance 19-06, are hereby appropriated from Dredge Revenue as a supplemental appropriation for Barnstable County for the fiscal year ending June thirtieth, two thousand and twenty. Said funds are to be expended to Dredge fund as defined below FY2020.

<u>Budget #</u>	<u>Sub-Program</u>	<u>\$ Amount</u>
0252502 5239	Prof/Tech Services	\$80,000
0252502 5213	Salaries – New Hires	\$251,720
0252503 5393	Uniform and Safety Gear	\$10,000
0252505 5599	Excavator Replacing Crane	\$35,000

Section 2.

Based on a revised estimate of the cost to keep up with the demand to run two dredges for the current fiscal year, made as of September 18, 2019, the sum set forth below, for the purpose set forth therein and subject to the conditions set forth in sections one of Barnstable County Ordinance 18-12, are hereby appropriated from Dredge Unreserved Fund Balance and Bond Premium of General Obligation Bonds as a supplemental appropriation for Barnstable County for the fiscal year ending June thirtieth, two thousand and twenty. Said funds are to be expended to Dredge fund as defined below FY2020.

0051408 5897	New Push Boat	\$207,780
TOTAL SUPPLEMENTAL APPROPRIATION		\$584,500

Speaker MCAULIFFE: So our next item is a discussion and vote on Proposed Ordinance 19-15. This is the FY20 Dredge, excuse me, Dredge Supplemental, say that fast three times, Dredge Supplemental budget of \$584,500, the topic we just covered.

Is there any more discussion on this from the Assembly? Are you ready for a vote?

Speaker MCAULIFFE: Oh, a motion to put the --

Deputy Speaker MORAN: So moved.

Speaker MCAULIFFE: Is there a second?

Delegate HARDER: Second.

Speaker MCAULIFFE: Okay. So we will take a vote on the ordinance.

Roll Call Vote on Proposed Ordinance 19-15:

Present (100%): 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), 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).

Clerk O'CONNELL: Madam Speaker, Proposed Ordinance 19-15 passes with 100 percent of the Delegates voting yes, now known as Ordinance 19-14.

Ordinance 19-14:

The Cape Cod regional government, known as Barnstable County hereby ordains: To add to the County’s Dredge operating budget for Fiscal Year 2020, as enacted in Ordinance No. 19-06, by making supplemental appropriations for Fiscal Year 2020.

Section 1.

Based on a revised estimate of the cost to keep up with the demand to run two dredges for the current fiscal year, made as of September 18, 2019, the sum set forth below, for the purpose set forth therein and subject to the conditions set forth in sections two through four of Barnstable County Ordinance 19-06, are hereby appropriated from Dredge Revenue as a supplemental appropriation for Barnstable County for the fiscal year ending June thirtieth, two thousand and twenty. Said funds are to be expended to Dredge fund as defined below FY2020.

<u>Budget #</u>	<u>Sub-Program</u>	<u>\$ Amount</u>
<u>0252502 5239</u>	<u>Prof/Tech Services</u>	<u>\$80,000</u>
<u>0252502 5213</u>	<u>Salaries – New Hires</u>	<u>\$251,720</u>
<u>0252503 5393</u>	<u>Uniform and Safety Gear</u>	<u>\$10,000</u>
<u>0252505 5599</u>	<u>Excavator Replacing Crane</u>	<u>\$35,000</u>

Section 2.

Based on a revised estimate of the cost to keep up with the demand to run two dredges for the current fiscal year, made as of September 18, 2019, the sum set forth below, for the purpose set forth therein and subject to the conditions set forth in sections one of Barnstable County Ordinance 18-12, are hereby appropriated from Dredge Unreserved Fund Balance and Bond Premium of General Obligation Bonds as a supplemental appropriation for Barnstable County for the fiscal year ending June thirtieth, two thousand and twenty. Said funds are to be expended to Dredge fund as defined below FY2020.

<u>0051408 5897</u>	<u>New Push Boat</u>	<u>\$207,780</u>
<u>TOTAL SUPPLEMENTAL APPROPRIATION</u>		<u>\$584,500</u>

Speaker MCAULIFFE: Thank you.

Summary Report from the Clerk

- **Charter Review web page is being redesigned with the help of County Communications staff member**

Speaker MCAULIFFE: There's a report from the Clerk.

Clerk O'CONNELL: To just kind of expedite things because I know the hour is getting late. I just want to let you know that I've been working with a member of the Communications Committee here at the County to try to refresh and give the Charter Review page somewhat of a new look, maybe make the information on the page easier for the public to follow.

And I also want to let you know that I brought in apples. And when you leave tonight, please help yourself. They're delicious. That's it.

Summary of Other Business

- **Speaker McAuliffe submitted Proposed Ordinance 19-16 for FY20 supplemental appropriation for legal funding of \$25,000 for Charter Review purposes**

Speaker MCAULIFFE: Thank you. Under "Other business," I do have an ordinance I'm submitting today for hearing and vote at our next meeting. It is an ordinance to put \$25,000 into a Legal Services line item for the Charter Review. And past practice has been to designate a certain amount -- I think it was \$20,000 at our last Charter Review and we went over, so we spent \$22,500. So just as a separate legal line item just to keep it consistent with what we've done in the past and so that we're not running into any issues of, well, what's Charter Review and what's not.

And I anticipate that this, hopefully, will handle our needs, but you never know if the Charter Review suddenly gets complicated then maybe we'd need to supplement this. But this way it keeps it under the Assembly's Charter Review and keeps it consistent with past practices. So this will be coming before us at our next meeting.

Is there anything else coming before us for other business?

I'll take a motion.

Deputy Speaker MORAN: Move to adjourn.

Delegate CHAFFEE: Second.

Speaker MCAULIFFE: Thank you. We're adjourned.

Whereupon, it was moved and seconded to adjourn the Assembly of Delegates at 5:20 p.m.

Respectfully submitted:

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

List of materials used at the meeting:

- **Business Calendar 10/2/19**
- **Unapproved Journal of Proceedings of 9/18/19**
- **Draft letter dated 9/18/19 from Health & Environment Director Sean O'Brien to Nuclear Regulatory Commission**
- **Public Hearing Notice: Proposed Ordinance 19-15**
- **Proposed Ordinance 19-15**
- **Proposed Ordinance 19-16 submitted by Speaker McAuliffe**

