

CAPE COD REGIONAL GOVERNMENT - ASSEMBLY OF DELEGATES
*Pursuant to Governor Charles Baker's Executive Order Suspending Certain Provisions of the
Open Meeting Law dated March 12, 2020, the Assembly of Delegates held a
Virtual Meeting @ 4:00 P.M.*

APPROVED Journal of Proceedings – May 6, 2020

Call to Order

Speaker MCAULIFFE: I'm going to convene the meeting. This is the Cape Cod Regional Government, Assembly of Delegates. It's Wednesday, May 6th, 2020. It is 4:04 p.m.

The meeting will be held through remote participation in the Assembly of Delegates pursuant to Massachusetts Governor Charles D. Baker's order suspending certain provisions of the Open Meeting Law on March 12, 2020.

The meeting will be Livestreamed on YouTube. Anyone who wishes to make a comment can do so by calling 1-929-2005-6099 and using the ID 918 6148 1444. The documents that were provided in advance of this meeting relating to agenda items can be accessed on the website for Barnstable County Regional Government.

The first order of business is a moment of silence to honor our troops who have died in service to our country and those serving our country in the Armed Forces.

And, in addition, I would also like to acknowledge the residents who have died from the COVID-19 virus and the families that are struggling with those losses.

(Moment of silence.)

Speaker MCAULIFFE: Thank you. The Pledge of Allegiance is next. Janice has a flag so if people want to pledge allegiance.

(Pledge of Allegiance.)

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

Remote Roll Call Attendance

Present (72.59%): 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), 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%): Thomas O'Hara (6.49% - Mashpee - @ 4:05 P.M.).

Absent (20.92%): Patrick Princi (20.92% - Barnstable).

Clerk O'CONNELL: Madam Speaker, you have a quorum with 72.59 percent of the Delegates present; 27.41 percent are absent.

Approval of the Calendar of Business

Speaker MCAULIFFE: Thank you. The next -- I will take a motion to approve the calendar of business.

Delegate GREEN: So moved.

Delegate CHAFFEE: Second.

Speaker MCAULIFFE: There's a motion and a second. This will be a roll call vote.

Remote Roll Call Vote on Approval of Calendar of Business

Voting "YES" (72.59%): 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), John Ohman (6.58% - Dennis), Brian O'Malley (1.36% - Provincetown), Randi Potash (2.84% - Chatham), Linda Zuern (9.15% - Bourne). Absent (27.41%): Thomas O'Hara (6.49% - Mashpee), Patrick Princi (20.92% - Barnstable).

Clerk O'CONNELL: Madam Speaker, the Business Calendar is approved with 72.59 percent of the Delegates voting yes; 27.41 percent are absent.

Speaker MCAULIFFE: Thank you.

Approval of the Journal of Proceedings of 4/15/20

Speaker MCAULIFFE: Next is approval of the Journal of April 15, 2020.

Delegate O'MALLEY: Madam Speaker, I move approval as distributed.

Speaker MCAULIFFE: Delegate O'Malley moved approval.

Deputy Speaker MORAN: Second.

Speaker MCAULIFFE: Thank you. Any additions or corrections from anyone? Okay. The Clerk will call a roll call vote.

Remote Roll Call Vote on Approval of the Journal of Proceedings of 4/15/20

Voting "YES" (72.59%): 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), John Ohman (6.58% - Dennis), Brian O'Malley (1.36% - Provincetown), Randi Potash (2.84% - Chatham), Linda Zuern (9.15% - Bourne). Absent (27.41%): Thomas O'Hara (6.49% - Mashpee), Patrick Princi (20.92% - Barnstable).

Clerk O'CONNELL: Madam Speaker, the Journal of April 15, 2020, is approved with 72.59 percent of the Delegates voting yes; 27.41 percent are absent.

Summary Communications from the Board of Regional Commissioners

- **Commissioner Bergstrom updated the delegates on the Board actions of the past three Commissioners meetings**
- **Brief update on the status of the County Dredge provided by County Administrator Jack Yunits**
- **Commissioners voted to support the position of the Human Rights Advisory Commission regarding the Wampanoag Land**
- **Commissioners voted to deny employee requests for vacation time carryovers beyond the 2 weeks typically allowed without a special waiver**

Speaker MCAULIFFE: Thank you. Our next item is a communication and update from the Board of Regional Commissioners. I saw Commissioner Bergstrom is with us. Welcome.

Commissioner RONALD BERGSTROM: Yes, good afternoon. It's been -- we've had three meetings since I last addressed the Assembly, and I'll start with the meeting of the 22nd. It was rather sparse. We had our usual update on the COVID-19 virus. I'm not going to go into that because I know you have Sean O'Brien there and he's going to give you the latest on where we stand with that, and I hope it will be at least a little optimistic. I'm giving you a little bit of a head's up.

The other thing quite substantial was a discussion and the status update on the County Dredge Program. And Christine Player was here, well, not here but she was virtually here, and she gave us a head's up on her progress in putting together a business plan and a schedule for the Dredge coming up next year. She also told us that we've had issues, as you know, with the weather and that's been apparently across the industry. So I know that even the Dredge in Chatham, which was a private company that they contracted with, took a terrible beating and they couldn't accomplish what they wanted to accomplish. So it's not just us, but I'll let Jack tell you exactly where the dredge is today because it goes day by day. But we extended our contract and we're drawing up plans for hiring a department head to oversee that entire program. And she is doing an inventory of all our equipment and discussing possible income enhancements once we decide what we need to perform the dredging schedule that we have in front of us.

Jack, did you want to add to that?

Administrator JACK YUNITS: Ron, yes. The Dredge, today, is being moved or gradually will be moved from Mashpee where the time-of-year restriction is now in force to the Chatham/Harwich area where we have three jobs pending; they are Allen Harbor, Wequassett Harbor, and Mill Creek in Chatham.

The Codfish is in Green Pond or it's in Falmouth and it's waiting for a permit to do Green Pond. Those are the four jobs that remain. We hope to get them all done. There are a lot of time-of-year restrictions on those. Christine just sent us an update today that she's working with the towns in getting those time of year restrictions eased so that we can accomplish it. It will be a long shot to get all four projects done, but with a little bit of luck with the weather and a little bit of luck with the regulators, it's possible.

Commissioner RONALD BERGSTROM: Thank you. The only other thing we did -- then we went into, basically, housekeeping items, a couple of mortgage discharges and a contract for roofing.

But notable was a grant for \$377,744 to the Children's Cove for a period of July 1 to June 30. So this is something we await on a regular basis every year. So that pretty much covers the 22nd.

Then we go to the 29th. And, once again, we had an update on the virus. We had a request by Julie Wake who's the Executive Director of the Art's Foundation on Cape Cod to support the Cape Cod Arts Relief Fund. And if you know, if you've been around for a year or two, you know that the Attorney General looked into this practice of us giving direct grants to nonprofits and said it was outside the County's authority.

So we weren't able to really provide any money even though we had in the past, but we are encouraging the EDC to relook at this, their grant program. I think the Art Foundation just missed out.

Commissioner RONALD BERGSTROM: Anyway, Sue, do you want to -- have you heard anything from the EDC on the Arts Foundation?

Deputy Speaker MORAN: So we have a meeting that may be coming up fairly

quickly, and I would expect that that may be something that comes up on that agenda.

Commissioner RONALD BERGSTROM: Okay. So I think we wrote a letter in support of that. I think we did write a letter in support.

Once again, we had another -- we also had a request by the Barnstable County Human Rights Advisory Commission to support its opposition to the United States Department of Interiors' recent decision denying the Wampanoag Tribe to hold land in trust. And we supported -- we supported the Human Rights Commission sending that letter in opposition to the Department of Interior. So they were -- they felt they needed our approval and they got it.

And we, again, talked about the Dredge, their latest update. We also extended the contract of the consultant of Foth Infrastructure & Environment for a period of May 28, 2019, to May 28, 2020. We extended it through November 28, 2020. So she's taking on additional responsibilities and gave her a little extra time.

Under "Commissioners Actions," I don't know if you're aware of it, but there was a grant, United States Economic Development Administration to the Cape Cod Commission in the amount of \$1,050,000 with a match of \$1,050,000 to fund the project: Environmental and Economic Resiliency-Focused Strategies Barnstable County Region, Mass., for a period of April 14, 2020 through April 13, 2020.

I'll flip down the list. Kristy, are you going to talk about this later or should -- hello, Kristy?

Exec. Dir. KRISTY SENATORI: Sorry, I was just trying to unmute myself. Yes, and I did -- I'm happy to speak to that. We did give a brief update at the last meeting where we had a conversation on our budget. So we'd be happy to provide an update to the Assembly from time to time.

Commissioner RONALD BERGSTROM: All right. Thank you. The other thing was just simply construction contracts, a couple of them.

And that brings us to today, and today we had, once again, an update. John will give you that shortly. There was a couple of odd items. Apparently, the Barnstable County Commissioners have to sign off on a technical aspect of allowing someone to purchase credible service from the Retirement Board. They were notified -- I'm not going to get into it, but they were notified and they had 180 days to purchase that and they didn't meet the deadline. And we denied them because the legislature -- one of the reasons is the legislature is taking this up because there's a lot of people in the same boat. So it's a little complicated but we actually got through that.

And the other thing is -- the only other thing is that the policy of Barnstable County is not to allow anyone to carry over more than a couple weeks of vacation time and there was a request from an employee to carry over considerably more. Elizabeth is here. She'll tell you that that puts a liability on our books and it's not good for our bonding because if people carry over five or six weeks of vacation time that's considered a liability of the County. So we stuck with the original -- the original policy only allowing them to carry over two weeks from year to year.

And then there were just a couple of contracts and -- oh, one contract was with the Center of Coastal Studies Water Quality Monitoring Program. Some of you might be familiar with this; it's been around for a while, the amount of \$248,944. There were some questions brought up at the meeting about some of the data being redundant with data collected by the individual towns. So even though we awarded the contract, they've been, and Jack will tell you, they've been on notice that it's basically a month-to-month, week-to-week basis and we'll

see how that program works out.

And that, ladies and gentleman, is it from the County Commissioners.

Speaker MCAULIFFE: Any questions of the Commissioners? Let me check the other screen.

Speaker MCAULIFFE: Oh, yes, Jim Killion.

Delegate KILLION: Yes, thank you, Madam Speaker. Good afternoon, Commissioner. Just a couple questions about your comments on the Dredge. You had mentioned that you've extended the contracts with the consultants for additional responsibilities. I'm just wondering if you could tell us what those responsibilities are?

And, also, you and I had spoken about getting reports. I guess this consultant was supposed to issue some reports or progress reports or some type of updates which I have yet to see. I was wondering if you could send those to me if you have them.

And, lastly, you mentioned about hiring an additional or a manager; do you have a timetable for that?

Administrator JACK YUNITS: Good questions, Jim.

Commissioner RONALD BERGSTROM: Yes.

Administrator JACK YUNITS: On the reports, the reports they -- pretty much we suspect -- when the COVID-19 Executive Order was put in play, we suspended work because it was extremely difficult to safe distance on the dredge and accomplish the task that we needed to accomplish. So we revised our safety protocols for the dredge. We purchased the necessary safety equipment and sanitizers, and we feel that we can do as well as we need to with those safety protocols in play now but with some limitations.

So, in all due respect to the demands that we placed on Foth Engineering, they were suspended during the interim because we knew we weren't going to have money coming in. We reengaged with her a couple weeks ago and we reengaged with her particularly to complete that business plan. The surveys that she sent to all 15 towns have been returned, and that will be your first report on the status of those surveys when we get a chance to pay our overdue invoices and get her back working again.

The biggest challenge that's she's going to face is figuring out how to staff the dredge from top-down, and that's part of the new core of responsibilities that we assigned to her last week, and she's working with Justyna right now to find job descriptions for the new hires including the manager.

So this is just -- I know it's a work in progress but out of respect to Foth Engineering, we did suspend their involvement here until we knew we were going to have a chance to generate revenue going forward. We didn't quite finish mostly due to weather. We didn't quite finish up in Mashpee but we did open it, so the next four jobs will be, again, weather dependent. And as Ron already indicated to you, wind has been off the charts this winter. It has impacted at least a third of the schedule. So our fingers are crossed but our hope is to get these last four projects done this year and generate enough revenue to keep Foth onboard for the balance of their contract.

Delegate KILLION: If I can follow up with that? I believe the consultant has been on board since sometime in the fall, so I think she was probably working 4 to 6 months prior to being furloughed, if you will. So is there any sort of updates? Has she provided any reports or any feedback in terms of the existing dredge operation now and offered any recommendations?

Administrator JACK YUNITS: Yes, she's done all our scheduling for this year. She

works constantly with the towns. She's been directly involved with all the TOY extensions that we've received, the time of year extensions that were received from the regulators, which is exactly what she's doing this week with regulators.

So she's been concentrating on the groundwork more than the planning aspect of this. She also did the surveys which I said she got in just before we suspended her work, so we haven't got the results of those surveys yet. And, quite frankly, we haven't paid them for several months, so we have to -- so the professionals need to get paid. So we have to process their invoices tomorrow and get her back on the clock.

Delegate KILLION: And just lastly, you did mention staffing. Can you just indicate what type of staffing changes you are proposing?

Administrator JACK YUNITS: The staffing is going to depend on these surveys. If we feel we can operate two dredges simultaneously next year and have enough work to do so, and I do believe we do, she'll make a recommendation that we -- either way, she's going to make a recommendation that we hire a manager, a superintendent, somebody who should be taking this call with you right now and not me, somebody who's answerable for the specifics on what the dredge does every day, what the dredge needs, and what the dredge intends to do going forward. That has to be done. The chairman has been very adamant about getting this done. So that will be the biggest priority coming out of the next steps.

But then we have to talk about crews. What Jason has done with the very limited crew over the course of the last year is just unbelievable. You know, remember, they're human. They fight through sickness too. We lost a key player last week who had a very serious virus and, therefore, was quarantined. It turned out not to be what we feared but it gives you an example of what these guys go through out there. Thank God it was -- he was cleared because it would've pretty much shut down the dredge program for the year if he had been diagnosed.

So these are the kind of things where we really need an on-site manager on a day-to-day basis to answer to the Commissioners and to answer to the Assembly when they're called upon to do so.

Speaker MCAULIFFE: Thank you, Jack. Are you all set, Jim?

Delegate KILLION: Yes. Thank you, Mr. Yunits.

Speaker MCAULIFFE: Okay. Was there anyone else who had a -- yes, Lilli-Ann, you have a question?

Delegate GREEN: I did have a question. Thank you, Madam Speaker. Thank you for the report, Mr. Bergstrom. I was curious about the CVEC situation. I know that the Commissioners signed the contracts on the 8th and then we received on the 10th --

Speaker MCAULIFFE: Lilli-Ann, this is on our agenda.

Delegate GREEN: Okay. Will Ron be able to answer questions? I mean --

Speaker MCAULIFFE: We won't be doing questions and answers. There won't be any votes taken today. I'm just presenting the timeline of what's happened and what's going to happen going forward.

Delegate GREEN: I just wanted to know if they saw Mr. Troy's document before they voted on it? That's all I would ask him.

Commissioner RONALD BERGSTROM: Let me just say that nothing has been done. Since we handed it to you, we have not taken any further action on it. We won't until we get it back from the Assembly.

Delegate GREEN: And did you see Mr. Troy's document before you signed that?

Commissioner RONALD BERGSTROM: I did, yes. I read it. He has some concerns.

He expressed them to us, and I'm sure you got it also, and, you know, right now the ball is in your court and we're anxiously awaiting your review so.

Delegate GREEN: Okay. All right. I was just curious about that. Thank you.

Speaker MCAULIFFE: Yes, no, thank you. Yeah, I think the Assembly can have a bit of a discussion later, but I just wanted to give everyone some sound information of where we're going to go as part of the agenda.

Anyone else for the Commissioners?

Yes, Delegate O'Hara.

Delegate O'HARA: Thank you.

I'm not going to go backwards as to where we are. I think we all know where the Town of Mashpee is, Jack and Steve both, so we're incomplete at this time. I'm was not aware that we were incomplete as until Jack had said that. So I thought it was unknown whether we were or we weren't.

But a couple other things that have come to attention during this and one of them Jack had mentioned just a minute ago that he said that he had one essential employee that had the flu and if he had gotten -- was any sicker that he would've shut the program down. And I find that disturbing where one individual could shut down the whole dredge program.

Administrator JACK YUNITS: What I said, Tom, is, fortunately, he had a positive -- he didn't have a positive diagnosis.

Delegate O'HARA: Right.

Administrator JACK YUNITS: Because they work in such close contact, if any one of them gets diagnosed, the whole crew is quarantined.

Delegate O'HARA: That was just this one --

Administrator JACK YUNITS: That's not me. That's the medical reality of it.

Delegate O'HARA: No, no, no but I thought you meant that -- I was thinking what you said was differently, if he had got just a flu and he couldn't operate that barge nobody else could.

Administrator JACK YUNITS: No that wasn't the point.

Delegate O'HARA: Okay.

Administrator JACK YUNITS: The point is because they work in such close quarters, you know, just cautious public safety requirements would require the whole crew to be quarantined.

Delegate O'HARA: Right, because of the current virus that everyone's situation.

Administrator JACK YUNITS: Exactly.

Delegate O'HARA: Okay.

Administrator JACK YUNITS: Thank you.

Delegate O'HARA: So that's not what I heard but, okay, I get it now. Okay. So one of the other things is the -- one of my boaters -- he's the chairman of the Waterways Committee and he's been involved with the dredge for some time, and he reached out to me and he told me that there used to be a working group; it was called the working group of members from each of the towns and they would prepare the dredging, you know, beforehand and would meet with whoever it is that if it's Steve or whoever's running the show for the dredge program, they would meet and they would work out a plan and a program as to when each of them would be done and have a conversation about it, and for some reason it seems to have disappeared. Do you know anything about this working group? Is it --

Administrator JACK YUNITS: Yeah, there was a Dredge Advisory Board and there

still is. There's one representative from all 15 towns that meet several times a year with Christine to talk about schedules and the parameters of the program. They haven't met, obviously, for a while but they did meet twice in the fall. I assume Ken was there but I don't know for sure.

Delegate O'HARA: Yes, he was unaware --

Administrator JACK YUNITS: They're still intact. They are the ones that sent the surveys into us, the 15 of them.

Delegate O'HARA: Right, right, I know that, but he thought they pretty much sat together at a roundtable and discussed certain issues, and he hadn't seen any evidence of it continuing.

Asst. Administrator STEVE TEBO: Tom.

Delegate O'HARA: Yes.

Asst. Administrator STEVE TEBO: Tom, if I could just jump in real quick. Steve Tebo, Assistant County Administrator.

Delegate O'HARA: Yes, okay.

Asst. Administrator STEVE TEBO: We do sit down at a roundtable. We did do it twice this fall. This year, we just went at it a little bit differently and Christine had sent out the surveys to each individual to give us the five-year plan just so we had better documentation of it rather than trying to just do it in a meeting, just to simplify it, and have just a better like core understanding of what the next five years needs are.

So I anticipate probably I would say the end of July that they'll have that roundtable meeting again. And if not, so it will probably be Zoom or something like this that we'll have that meeting again. But we did have the annual beginning of the season schedule where all the representatives of each town came to talk about it.

Delegate O'HARA: Okay. So that's something -- that's the program that's going to be continued?

Asst. Administrator STEVE TEBO: Yes, I think we'll just probably do it more electronically just to gather the initial information rather than just sit around and talk it out just so we have a better understanding going into the meeting. But, yes, it will continue.

Delegate O'HARA: So maybe you can use Zoom as we are?

Asst. Administrator STEVE TEBO: Yes, exactly. Most likely if we do it in July it will be a Zoom situation but we'll figure something out for that. But the biggest thing right now is Christine gathering all the comprehensive data, the permits, and everything else that they have for the next five years so they can put a better plan together.

Delegate O'HARA: Yes. Another question is, and I don't know where it came from, but somebody said that the booster pump broke down again; is that correct?

Asst. Administrator STEVE TEBO: It broke down in December. We have not had it fixed yet. We're trying to get the barge in now as part of Jason's plan and send it off to the manufacturer to get rebuilt. But that did breakdown in December of this year.

Delegate O'HARA: And this was the booster pump that we authorized to be rebuilt last year, I believe, wasn't it?

Asst. Administrator STEVE TEBO: No, I believe I came before you after it broke.

Delegate O'HARA: And it just never got taken into the shop and rebuilt so.

Asst. Administrator STEVE TEBO: Yes, one was timing on their part and then the other was just us being able to physically move it. I think it has to go to New Bedford to get unloaded, so it's just a matter of timing and to get it there.

Delegate O'HARA: Didn't we discuss the purchase of a new booster pump and use the old one as a backup?

Asst. Administrator STEVE TEBO: We talked about it but I think it was cost inhibited. I think it was like 575 for a new one. It was like 90 to rebuild this one.

Delegate O'HARA: I'll give you the six bucks.

Asst. Administrator STEVE TEBO: What's that?

Delegate O'HARA: I'll give you the six dollars; it's 575?

Asst. Administrator STEVE TEBO: No, I'm sorry. \$575.

Speaker MCAULIFFE: Are you all set, Tom?

Delegate O'HARA: I am. There was one more question and I just learned this today; we talk about the dredge often and I think it comes up that it's a great revenue stream for the County, and I just found out it's not a revenue stream for the County. It goes into a specific Dredge account and it's an Enterprise account that only can be used for the operation of the dredge. I know that you can pay for the bookkeeping and the other things that are provided by the County but, basically, that money is for the dredge program only.

Speaker MCAULIFFE: Right.

Delegate O'HARA: I was unaware of it.

Administrator JACK YUNITS: Right.

Asst. Administrator STEVE TEBO: Correct.

Administrator JACK YUNITS: What we mean by that, Tom, is that it's a tremendous asset for the County meaning the 15 towns. Steve can tell you what he's calculated the savings are this year from the Dredge program and the projects that we completed already. Steve, do you --

Asst. Administrator STEVE TEBO: We can wait on that.

Speaker MCAULIFFE: Yes, we can wait on that because we have a very full agenda.

Delegate O'HARA: Fair enough.

Speaker MCAULIFFE: We will have the dredge again on the next agenda for further discussion and further updates.

Delegate O'HARA: Perfect. Great. Thank you.

Speaker MCAULIFFE: Thank you. Anyone else for the Commissioners? I'll check the other page.

Delegate POTASH: Hello, can you hear me guys?

Speaker MCAULIFFE: Randi.

Delegate POTASH: Yes, I'm sorry that I didn't press *6 at the beginning but I have been listening to the whole meeting so for purposes of attendance you have Chatham here.

Speaker MCAULIFFE: Okay. Are you all set?

Delegate POTASH: I was going to make a comment about the dredge, but what I would do instead is I would table that to a meeting where we can really get into it about the Dredge because I do have some questions and comments, but I'm happy to wait until that's one of the premier topics at a meeting.

Speaker MCAULIFFE: Yes, I think what we should do -- it seems to be the last several meetings a very important topic, so I think we need to put it on the agenda to have it have more than just comments.

Commissioner RONALD BERGSTROM: Suzanne.

Delegate POTASH: And maybe that Christine could be at that meeting as well so we can really duke it out.

Speaker MCAULIFFE: Right.

Delegate POTASH: Sorry, did someone call out?

Commissioner RONALD BERGSTROM: Suzanne, yes. I'm losing my connection, Suzanne, so I'm going to have to leave you here to your own devices.

Speaker MCAULIFFE: Okay.

Commissioner RONALD BERGSTROM: Okay.

Speaker MCAULIFFE: Thank you.

Communication on COVID-19 from Health & Environment Director Sean O'Brien and Human Services Deputy Director Vaira Harik

Speaker MCAULIFFE: All right. The next item is a COVID update from -- we have Sean O'Brien; we have Vaira Harik. Vaira's here, right?

Deputy Director VAIRA HARIK: Yes.

Speaker MCAULIFFE: I'm unmuting you, Vaira, unless you want to unmute yourself.

Director SEAN O'BRIEN: And I'm unmuted as well. This is Sean.

Speaker MCAULIFFE: Okay. So, Sean, were you going to take the lead on this or was Vaira?

Director SEAN O'BRIEN: I will take lead and then hand it over to Vaira to talk a little bit more about some numbers.

Speaker MCAULIFFE: Okay. Great. Thanks.

Director SEAN O'BRIEN: Great. And I will share a few numbers with you so far. So we have not met; we have not -- and for the record, my name is Sean O'Brien. I'm the Director of the Barnstable County Department of Health and Environment.

We haven't had a chance to talk since COVID-19 had started. I probably talked a couple of times with a few of you and I hope you're all doing well. It's been a long few weeks, few months. We've had a lot going on. To date, so far, in Barnstable County we've had 997 cases of COVID-19. Those are folks that have been diagnosed from the beginning. It's important to remember this is a cumulative total so probably over 50 percent, maybe even closer to 60 percent of all of these numbers -- this 997 people they have probably recovered. And so active cases are probably far less, just so you know, than the 997 number that we get from the Commonwealth of Massachusetts.

Unfortunately, we've also had some fatalities. Those have -- that actually -- that number increased today and we are up to 55 here in the County.

As we sit back and we start looking at things statewide, there are a couple of things that are going to be really important to keep an eye on. Probably one of the most important things is hospitalizations. Over the last couple of weeks, we've been keeping an eye on the number of hospitalizations and we're starting to see those numbers drop.

So last week we we're looking at numbers being around the 3,900 mark. And if we start to look at it this week, we're seeing them around the 3,600 mark. And that's good. That means the number of folks requiring hospitalization across the Commonwealth of Massachusetts has gone down to about 3,600 and that's a little less than a 10 percent drop and that's good news. That's showing us some good trends.

Here on Cape, we presently right now have about 30 people in the hospital system being treated for COVID-19. Of those, five are in intensive care. That number 30, 24 of them are at Cape Cod Hospital; 5 of them are over at Falmouth Hospital, and we have four people

in intensive care over at Cape Cod Hospital as well.

Since this has begun, we found ourselves, you know, in a really busy -- really busy and a really important response to how we're going to support and protect the County here when it comes to COVID-19. One of the first things that happened was a multi-departmental approach to actually setting up a test site over at Cape Cod Community College. As you know, the site was designed to do drive-through testing of folks here within the County that may have had symptoms or may have been prescribed to go there by a primary care physician.

To date, we've had about 2,550 cars drive through that area and that's a pretty good -- that's a really good number. This has been a key and what has also been a key is the working relationship with this on Cape Cod -- with Cape Cod Healthcare. They have been absolutely incredible with setting things up and doing things for surge and looking at facilities to have for a backup whether it be a field hospital over at Joint Base Cape Cod or whether it be surge sites in Brewster or in Falmouth as well, and that's been a really nice thing is to have this community hospital working with us.

We've also seen just such an incredible work with the different departments here at Barnstable County as well. You know, working with Human Services and Vaira and Beth on homeless issues, and we'll hand that over to them in a few seconds, has been absolutely incredible. They've done a wonderful job on keeping track of numbers and doing some response for the homeless.

And, then, also working with the Fire Training Academy; Phil Burt has done great work with getting plans done and helping to set up these surge sites as well, as has the Commission with a lot of their work on these heat maps that have been done in conjunction with the folks over at Cape Cod Healthcare. We've had a lot of good input from the departments here, and now we're starting and we're seeing the Extension Service come in and become more involved with a lot of the reopening and planning with that. So there's a lot happening and there's some really good things happening with the different departments.

If I had to say what we're looking at right now is the major issue, I think our hotspot these days are the long-term care facilities or the skilled nursing facilities. Those sites are actually where we are seeing a number of cases.

The Health Agents in all 15 of our communities have been absolutely incredible with the way that they were able to lock down these nursing facilities. The issues that we saw seem to be more coming in after the lockdowns, whether it be employees or things like that. So we are still seeing these hotspots pop up where we've had some issues at a couple of long-term cares and we're seeing some high numbers in those facilities with people who are testing positive. But what we're also seeing is high numbers, and you've probably seen it on the news off-Cape as well where we are seeing employees with that as well. So they're testing positive.

So, right now, it seems like a lot of time we're doing follow-up and assisting the 15 communities with that and trying to help out.

So I figure you're probably tired of hearing from me, so if it's okay with the Chair, I'm going to hand this over to Vaira who's going to talk quickly about some numbers or Beth whom may want to touch quickly -- touch base quickly on some of the efforts that we've been doing for the homeless population.

Speaker MCAULIFFE: Okay. Vaira, I'll go to you next number because you're --

Deputy Director VAIRA HARIK: Thank you.

Speaker MCAULIFFE: -- the number info.

Deputy Director VAIRA HARIK: Good afternoon, everyone. My name is Vaira Harik. I'm the Barnstable County Department of Human Services Deputy Director. I'm going to talk a little bit about localizing the information that Sean just gave to you on a statewide basis, and then I will toss it to my director Beth for some comments on the work that the region's been doing to address the issue of homeless persons in the midst of COVID-19.

Relative to what Sean just said, I sent around through Janice, and thank you, Janice, some charts that I update on a daily basis. These were sent around. Inevitably, the minute you publish something like this, it's almost immediately obsolete. The state just updated its case figures and death figures at about 4:20 today.

And so what I have here before you is updated as of yesterday, but the architecture of the curves remains roughly the same and the trends remain downward in terms of new cases being discovered, as well as we appear to be below the peak deaths that we saw.

So just, very quickly, looking at the -- there's a set of four charts here. In brown reading downward is Barnstable County new cases and then new deaths. This is an epidemiological curve and so you divide the incubation period by four for your daily incre -- your blocks of incremental information reporting. And so I've rounded up from that incubation period of 14 divided by four; I round it up to every three days -- it's actually rounding down every three days reporting these new figures for us. So that's the basis of why I have these intervals here.

And you see from the beginning -- from the very beginning of our experience, we saw very quickly as a result of testing ramping up, we very quickly made it up 123 confirmed cases during the period April 1 through 3. And since that time, we've never attained that same pulse of new cases, the highest next pulse being 86 just last week. And, again, I think the recent increase to pulsing of new cases is as a result of very concerted testing going on in nursing homes and those results coming through.

And in terms of deaths just reading down, in our new deaths, we peaked -- if you have a pulse of new cases at the beginning of April, it doesn't surprise one to see people passing away from the disease, the course of the disease taking a good couple of to three weeks sometimes to claim its victims. So in the area -- the days April 22 through 24, we saw 10 deaths reported, extremely unfortunate.

Our deaths were just updated and so that right-hand item where it shows one death as of -- between Monday and yesterday that will have gone up now to eight, so that's 8. We had 7 deaths reported between yesterday and today, which doesn't necessarily mean that seven people passed away overnight. It just depends upon how the deaths in the past are reported by the hospital, get through the medical examiner, and then into the statistics.

On the right-hand side, the two columns basically show the same information from a statewide point of view so that you can compare the architecture of the two -- of the two experiences that the state is having versus what we are having. And, again, from the deaths point of view if you look at the fourth quarter there, you see a similar sort of peaking around 4/22 to 4/24 in terms of deaths and a falling off since that time.

If I have a couple more minutes, Madam Speaker, I'll go ahead and just talk about local hospitalizations.

Speaker MCAULIFFE: Sure.

Deputy Director VAIRA HARIK: Okay. Thank you. The state began reporting hospital beds occupied and ICU beds occupied by hospitals in this state in the week of 4/20. So I, of course, immediately began graphing that or following that, tabulating that as well.

And so what we see here is in the chart -- in the table that I've provided, we had -- it so happened on 4/21 46 hospital beds and further 13 ICU beds were occupied by COVID patients between Cape Cod Hospital and Falmouth Hospital. And as of Monday, those numbers had dropped definitively and so the figures were 21 beds occupied and 6 ICU beds occupied by COVID patients as of Monday. Those numbers have adjusted slightly in the last couple of days but, generally speaking, the trend remains downward.

We appear to be on the downward slope of Phase I of this pandemic or Wave I. Typically with pandemics such as these, there is a Wave II to be expected and then could be followed by a Wave III of lower amplitude next winter in early 2021. So I'll pause there. That's a lot of epidemiology for late this afternoon so.

Speaker MCAULIFFE: Thank you. And I wanted -- is Beth Albert here?

Director BETH ALBERT: Yes, I am.

Speaker MCAULIFFE: Hi Beth. Oh, I see you. Okay. Would you like to address your area in terms of what you're doing for homeless?

Director BETH ALBERT: Yes, sure. Thank you.

Speaker MCAULIFFE: And any other items.

Director BETH ALBERT: Yes. So thank you. This is Beth Albert. I'm the Director of Human Services for Barnstable County. So just a brief update. Since mid-March, the Department, as you know, convenes the Regional Network on Homelessness, and we had an Emergency Planning Group. And due to COVID, we pivoted and all of the work we've been -- the group's been meeting weekly has been focused on a COVID-19 response. So we have -- it's been an amazing opportunity to really coordinate the response. Some of the things that have been set up, obviously people who are homeless, especially unsheltered homeless are extremely vulnerable as well as those who are homeless living in shelters or congregant living.

So some of the things that have been stood up in conjunction with our County Incident Command under Sean's leadership with the Health Department have been our healthcare for the homeless provider Duffy and Cape Cod Healthcare have set up an isolation and quarantine motel site. So anyone who is awaiting test results, anyone's who's homeless and awaiting test results and/or needs to be in isolation because they are COVID positive and are homeless and don't have a place to go to, there's a program that's been set up and running since, I would say, the end of March.

In addition, there has been sanitation and showers set up, handwashing stations. There have been meal programs because a lot of the normal outreach and Salvation Army, for example, food programs have stopped or changed their delivery. And so getting food to people who are homeless has been a huge collaborative effort. Our Faith Family Kitchen through Council of Churches is doing an amazing job.

And then also at the shelter itself following the guidelines around social distancing, we worked with Catholic Social Services; Vaira provided her public health expertise and worked with Catholic Social Services to depopulate the shelter. So in order to keep social distancing and there have been some very, very excellent results because of that.

So a lot of different pieces. I have to say that the success of all of it has really been about clear communication and coordination and just really happy to be part of the team with Sean and his department and other departments in the County in working on this.

Thank you.

Speaker MCAULIFFE: Thank you. Yes, and I think, well, she has really shown

during these times I think the effort the organization, the availability of communication, you know, organizing and coordinating, of course, meetings and making things available as needed.

I think Sean and Vaira and Beth and Jack and the County in general has really, I think, done a great job in these very unsure times. Everyone is very terrified; everyone is very scared. I come from a medical family and a medical background so, you know, we might see things a little bit differently. But I think, in general, everybody's, you know, it's an unknown. No one knows what's going to happen. And I think helping with some of the data collection and some of the actual what's going on in the hospitals and what's going on is really helpful to people to give them some information because, in general, you know, the future is really a big unknown right now.

So we have a couple minutes if anybody wanted to ask some questions. I don't want to have this take over our meeting but I'm absolutely fine -- yes, Lilli-Ann, I see your hand first.

Delegate GREEN: So thank you, all, for all of your hard work. Really, everyone has really stepped up to the plate and really has done an extraordinary job. I wanted to ask about compliance, I mean especially moving forward, when we have visitors coming back, and I know in my town there was an unfortunate death and he -- he's really going to be missed throughout our community as well as by his family and friends, and he was smart, well aware, very careful, and he died within a week almost. It was very scary. It was very fast.

I wanted to ask about any insights into this rapid, you know, the situation you were talking about, people taking three weeks if they're, you know, unfortunately, are going to die, you know.

So I did want to ask about the two things, compliance and this rapid effect. We are having people show up here and they're just not doing social distancing.

Speaker MCAULIFFE: Lilli-Ann, I think compliance, in general, is a very good question. I think everybody's going to be wrestling with that. There may be some of the County officials who have some insight into that.

In terms of the individuals, and Brian can certainly weigh in on this, the thing that, I think, has come across to the medical community is sometimes you just don't understand or know why this virus attacks different people differently sometimes. And you can have people who you would maybe expectedly get sick and die and they don't and other people you don't expect do. So it can be a bit of an enigma sometimes. It's a very unruly, strange virus but I think we're starting to get on top of it, and I think that's what scares people; people don't know who's going to be next sort of if they're exposed. Not everyone who is exposed is going to get sick.

Deputy Director VAIRA HARIK: I think I could offer a small piece of information to this, Madam Speaker, if you would like?

Speaker MCAULIFFE: Yes, I was just going to say the thing that doesn't get -- we hear all the time is the numbers of people who are tested who aren't positive. And if you want to take some comfort or some hope, in certain age categories there are very large numbers of people who were tested who are not positive or people who are positive who don't get sick. So, sometimes we focus on the deaths and the hospitalizations and, you know, which are starting to improve but we also need to look at the other side which is, you know, there is hope. Not everyone who gets this is going to die and not everyone who is exposed is necessarily going to get it.

So at any rate, Vaira, you wanted to say something.

Deputy Director VAIRA HARIK: I just wanted to say, Ms. Green, I think your point's very well taken that the course of this disease is -- expresses itself very differently in different people.

The research is showing that there are some patients are particularly susceptible to the disease and the course of the disease goes through them very quickly and they expire rather quickly perhaps within a week's time. Whereas, other people can fight it off and supportive care in the hospital and so on allows them to recover.

But I think we have a physician on staff here who can probably explain the details. But some of these differences in people how their immune systems react regardless of how old they are apparently has to do with sort of ACE inhibitors and that system which the virus attaches itself in a very rapacious fashion, and some people, not the majority of people, but in some people and not others.

Speaker MCAULIFFE: Does anyone had any thoughts on the compliance piece? Is anyone running -- running into the issue of compliance and social distancing or, you know, masks that are now required?

Deputy Director VAIRA HARIK: Sean, I have thoughts unless you'd like to be heard.

Director SEAN O'BRIEN: Yes, a couple of thoughts. I mean, really we're taking a lot of our cues from the governor and that's really kind of happened for the entire state. Some towns have instituted some masking policies. I think this that came down from the governor is probably a lot more comprehensive, and it's going to be local Boards of Health that are working on compliance.

When it comes to, you know, the plans and starting to look at ways of reopening the Cape, a lot of that is going to come down in looking at how compliance and social distancing can be maintained, how we may be able to, you know, make sure that people in public areas are still wearing masks as required by the governor. And that's where Boards of Health and even police departments may be falling into that to some degree as well. But it really is a compliance thing that's going to fall unto your local Board of Health.

Speaker MCAULIFFE: Mary has her hand raised.

Delegate CHAFFEE: Thank you, Madam Speaker.

I want to thank Sean and Vaira and Beth and the entire rest of the team for the remarkable work in this marathon to keep Barnstable County healthy.

An epidemiology question for Vaira, do you have a sense of what the case fatality rate right now is in Barnstable County?

Deputy Director VAIRA HARIK: Sure. The case fatality rate is always going to be overestimated in fast-moving pandemics like this because the denominator is not necessarily what's actually true. The denominator being the number of cases.

But the number of cases that we have 997, these are confirmed cases amongst people who have gotten through a relatively stringent vetting system to even get tested. So the community spread is not being recognized in the formal case -- in the formal cases.

Having said that, the case fatality rate for this would be 55 deaths as reported today divided by 997 cases which would give us a case fatality rate of 5.5 percent, very similar to the state's, but I think artificially high from the point of view of true case in the wild.

Speaker MCAULIFFE: Yes, that's true. Chris Kanaga.

Delegate KANAGA: Thank you. And I, too, want to add my thanks, Sean, to you and your staff and volunteers in all that you're doing and all you have done so far. I think it's truly

amazing.

I just had a few questions. What's the status of the tests being available and is it still so strictly restricted as to who can actually be tested and when will that change? Because it seems to me until that changes the prospects of anything getting significantly opened up is pretty small. I just wanted your thoughts on it and where that is and where it's going near future.

Director SEAN O'BRIEN: Yes. So, in regards to that, I think we're going to start seeing more kits available down here. Last week, we started to receive more primarily to test long-term care facilities. We were able to get quite a few of them but I will be frank, there is still a shortage and there are still requirements as to, you know, the physicians have to follow whether or not to prescribe testing for folks.

But I'll be very blunt, I think with the governor's help, we're going to see more of these kits come into the state. This is the type of test that the physicians want. It is using PCR, Polymerase Chain Reaction and what it's doing is its allowing them to give a tried-and-true test to be able to do this. And the thoughts and even said by the governor, the most important thing is to get these swab tests done and start as many as we can because the more testing, the better.

So we are seeing some additional tests come down to the area. We have been focusing them though onto the long-term care facilities.

Speaker MCAULIFFE: Thank you.

Delegate KANAGA: Thank you, Sean. Can I just have a quick follow-up?

Speaker MCAULIFFE: Yes. Yes, Chris.

Delegate KANAGA: If we can't test everybody that is symptomatic because of the lack of tests, can you help me understand why we're not providing -- why we don't seem to be providing the medications that seem to be working in more than 50 percent of the cases being able to provide those without testing? If you can't test, why can't you treat; I guess that's the question.

Speaker MCAULIFFE: Sean, I'm going to divert that question to Brian.

Director SEAN O'BRIEN: That's fine with me.

Speaker MCAULIFFE: That's okay. All right. Brian.

Delegate O'MALLEY: Yes, I'm going to pick up on -- I've heard three threads. The first one I want to touch on is the variability. Remember that in a viral illness, the characteristic that when medical people think about infectious illnesses, one of things that puts you onto a viral process is the multifocal nature of it. They attack most of the body. They're not simply going after one organ. So in this one, while pneumonia is the most common outcome and that's, frankly, largely due to the body's own inflammatory response. We're seeing renal failures; we're seeing neurologic encephalopathies. We're seeing cardiac toxicities. There's a variety of things that are the dominant presentation. So that's a lot about the variability.

The second question -- what was question, I'm sorry, what was the question that just came up?

Speaker MCAULIFFE: About testing.

Delegate KANAGA: If you can't test --

Speaker MCAULIFFE: Testing and treatment.

Delegate KANAGA: -- if you can't test, why can't you treat with the things that seem to work?

Delegate O'MALLEY: Well that's, Chris, I mean I'm not sure what you're referring to but there is no -- there is no accepted therapy. There is no therapy that has any significant effect. I mean, we're intubating people and most of those people don't ever get off the ventilator.

The meds are a possibility. The antiviral may not -- may turn out to be helpful but, frankly, we don't have anything. So that's why there isn't any treat without testing because we don't really know what we're doing in terms of treating. We don't have a clear answer that anything works.

And, finally, the piece that I wanted to bring up both maybe to Beth and to Sean is food insecurity. I mean I'm reading today that 25 to 30 percent of the kids in the country are food insecure right now. I'm hearing the demand at the food pantry here is huge. Where are we with food insecurity around the County and how is that being dealt with?

Director BETH ALBERT: I can --

Speaker MCAULIFFE: Yes, Beth. Go ahead, Beth.

Director BETH ALBERT: So, yes, you're absolutely right. We're getting a lot of feedback. So, yes, what we're hearing reported from the pantries, etcetera, is that the demand is through the roof. We have checked in with some of the larger pantries and it appears that there is no shortage of food coming from the major supplier, the Boston Food Bank.

There have been concerted efforts to organize food delivery through the Medical Reserve Corps and others, and Sean may be able to speak more about that. But this is the reality as people are losing income and aren't able to purchase food in markets or supermarkets, they are going to be accessing -- they're going to be accessing the food pantries and all of the different food sources. There is quite a -- we've compiled a list of everything that's available in the County, and we're trying to get that information out through all of our social media and through the Councils on Aging, through our human service partners so that people do know where to go with the changing hours, etcetera, of the food pantries. So that's what I can offer.

Delegate O'MALLEY: You know, Beth, this is not only affecting people who are on the margins, I mean, I was in the supermarket this morning and there are row after row of shelves that are empty. I mean, it's all -- it's not just toilet paper. It's all sorts of food that's just not there. I mean I think we're all feeling a little food threatened.

Director MICHAEL MAGUIRE: Madam Speaker.

Speaker MCAULIFFE: Yes.

Director MICHAEL MAGUIRE: Mike McGuire, Cape Cod Cooperative Extension.

Speaker MCAULIFFE: Yes, Mike.

Director MICHAEL MAGUIRE: I just wanted to chime in. We do have a staff member at Extension that sits on a Cape Cod Hunger Network Group and manages it. And she has facilitated a significant corporate donation this week through some creative measures to help facilitate getting food out to the community. And staff in both Beth's department and my department have been working behind the scenes to facilitate some of the needs, and I know Beth and I have talked off-line about this too. So there is a tremendous amount of need, but there are a lot of people working on this and there is ample food at the pantries. I think the method of distribution, some of the safety issues around the pantries have been discussed and we've worked trying to address that.

So it's an ongoing need. We're very aware of it, and I want the Assembly to understand that there are members of the County on our staff working on this, and it's a

multiagency response and we're doing what we can.

Delegate O'MALLEY: Thank you, very much, Mike.

Speaker MCAULIFFE: Yes, Elizabeth.

Delegate HARDER: Thank you. Just going back to the whole compliance and enforcement question; you said it's up to the Boards of Health but they just had in Yarmouth the Board of Health being out-voted by the Board of Selectmen (Indiscernible) the beach but the Select Board said no. And I don't really see how the Board of Health, I mean, how the Board of Health, I mean, how would they enforce if they're at Stop & Shop and see people without masks, I mean, what do we do? Do we call the Board of Health and they come down? I'm just very confused because I know we have people that really don't agree with masks. And so I'm just a little concerned about the compliance and enforcement part.

Speaker MCAULIFFE: Yes, I don't -- I'm going to just -- I don't think there's an answer to that, Elizabeth. I think, unfortunately, everyone is going to be struggling with the enforcement issue. And I think that the best thing you can do is keep your distance, keep your six feet, wash your hands, you know, just make sure that you protect yourself the best you can from people that are near you.

I don't think it's realistic to think that there's going to be a police officer or a Board of Health person who's going to come and enforce that.

So I think as an individual and the people around you need to protect themselves. That would be my take on it coming from Yarmouth where we have the strictest restrictions, right, and have for several weeks. And, yes, the board doesn't agree with it; the Board of Selectmen has voted against the Board of Health, but I think the Board of Health is being upheld by the town attorney. So I don't think the Board of Selectmen is making much headway against the Board of Health. The Board of Health has prevailed.

So I think if you're concerned, just keep your distance and make sure you wash up.

Was there anyone else who wanted to ask questions at this point? Okay. Oh, John Ohman, yes. I saw your hand.

Delegate OHMAN: Sean, I'm curious; the Medical Reserve Corps, how have you managed to get somewhere upwards of 300 people to volunteer on a regular basis? Is that my understanding because that's an amazing accomplishment. It hasn't gotten enough recognition. Can you update me what the Medical Reserve Corps does and how they work to alleviate the COVID virus?

Director SEAN O'BRIEN: Yes, absolutely, John. So the Medical Reserve Corps has been in this right from the beginning. They have had some additional recruitments onto an existing membership. So their numbers, if I'm not mistaken, are just under 300 on their roster. They've been very much involved right from the beginning whether it be volunteering to assist in any of these surge sites to making themselves available. There are actually many people out there making masks to actually collecting unused Personal Protective Equipment and getting that to Cape Cod Healthcare for the doctors and the nurses there.

And just recently what they've been able to do is to set up a program to go out and actually deliver groceries for folks that may be under quarantine or just may need a little bit of help. And so we've had some inquiries already. I think the report I got yesterday was we've had, I think, maybe a good half-a-dozen deliveries. This just went into play the end of last week, and they are working with some of the different markets around the Cape to establish that rapport to be able to offer these services.

So it's an incredible organization and it always has been. Whenever there's a

pandemic, we've seen Medical Reserve Corps -- even back in the 2012 H1N1 or 2010 H1N1, they just jumped right in and they were actually doing vaccinations as well. It's just such an organization that can help public health-wise.

Additionally, in many cases, too, they were helping towns out with Meals on Wheels deliveries, and they do have some folks that are -- they do have medical background that have made themselves available to assist Cape Cod Healthcare and other medical organizations as a part of this as well.

Delegate OHMAN: Thank you.

Deputy Director VAIRA HARIK: Madam Chair.

Speaker MCAULIFFE: Yes, Vaira.

Deputy Director VAIRA HARIK: I can just provide -- segue a little bit on what Sean said regarding Meals on Wheels Program. I'm in close touch with Elder Services of Cape Cod and the Islands, and they tell me that since late March they've recruited and trained over 200 new volunteers, that includes vetting them, training them, and so on. And their Meals on Wheels services to all the towns on Cape Cod have increased since late February -- increased by between 15 and 20 percent across Cape Cod, which is extraordinary. And they have maintained their services and expanded their services during this time.

And the extra volunteers that they have, they're maintaining a list of people who want to volunteer and they're feeding those extras to the food pantry, no pun intended, to the food pantries and to the MRC for people who want to volunteer.

Speaker MCAULIFFE: Excellent.

Deputy Director VAIRA HARIK: So there is a surfeit of very good, good people who want to help.

Speaker MCAULIFFE: Great. Thank you. Thank you.

All right. I'm going to move on now to our next agenda item. I have a question for the Clerk. Because I posted the four budget ordinances in one announcement, is it possible to do one hearing on the four ordinances or do I need to do a separate hearing for each ordinance?

Clerk O'CONNELL: No, one hearing on the four, just take them individually --

Speaker MCAULIFFE: Okay.

Clerk O'CONNELL: -- starting with 20-01.

Public Hearings on Proposed Ordinance Nos. 20-01: FY21 County Capital Budget; 20-02: FY21 County Operating Budget; 20-03: FY21 Cape Cod Commission Operating Budget; and 20-04: FY21 Dredge Operating Budget

Speaker MCAULIFFE: Okay. So the next item then is the Public Hearing, and I'm just going to read the brief notice. This is the Assembly of Delegates will hold a virtual Public Hearing on Proposed Ordinance Number 20-01 and this is the FY21 County Capital Budget, Ordinance 20-02, FY21 County Operating Budget; FY 20-03 which is the FY21 Cape Cod Commission Operating Budget, and Ordinance 20-04 which is the FY21 County Dredge Operating Budget.

So the proposed hearing is for four separate parts of the budget that came through in four separate ordinances. The first is the Capital; the second is the Operating; the third is Cape Cod Commission, and the fourth is the County Dredge.

You've had presentations on -- the Assembly's had presentations and discussions on all of these budgets. **So I wanted to know if there was anyone from the public who wish to**

make a comment on any of these ordinances.

Okay. Seeing none. I will now close the hearing for the FY21 four Budget Ordinances.

Proposed Ordinance 20-07: Cape Cod Commission Amendment to Ordinance 90-12 Chapter A Enabling Regulations

Speaker MCAULIFFE: The next Proposed Ordinance is 20-07, and this is a virtual Public Hearing, and this is open to anyone who wishes to testify or make public comment, and this is to amend Barnstable County Ordinance 90-12 Chapter A: the Enabling Regulations Governing Review of Developments of Regional Impact and the review is to align it with the 2018 Regional Policy Plan and this is for the Cape Cod Commission.

This is a hearing on some changes to the Cape Cod Commission or some amendments, I should say, to the Enabling Regulations. And we have with us -- I see Jessica Wielgus and Kristy Senatori, and I think I saw Gail Coyne as well.

Okay. So, Kristy, did you want to just give a little bit of information just to give everybody a, you know, kind of a thumbnail sketch of what this is all about?

Exec. Dir. KRISTY SENATORI: Sure, Thank you, Madam Speaker. As you are aware, we have proposed some technical amendments to Barnstable County Ordinance 90-12. This is Chapter A of the Code of the Commission's Regulations and this is what we refer to as our Enabling Regulations that govern review of Developments of Regional Impact.

As you also probably recall, we recently updated the Regional Policy Plan for Cape Cod. It went into effect after your approval in the middle of 2019, and we have been reviewing all of our regulations and identified the need to align some of our Commission Regulations with the newly updated Regional Policy Plan.

So the proposed amendments that are before you are fairly minor and mostly technical and administrative changes that are really intended to align that new Regional Policy Plan with the Enabling Regulations that govern our review of Developments of Regional Impact.

So, broadly, the amendments remove some repetitive and unnecessary processes. It removes some outdated definitions and references to terms that no longer are necessary and removes some individual Growth Incentive Zone decision details that were just not needed in the Enabling Regulations.

The Cape Cod Commission reviewed these proposed amendments and voted unanimously to send those to you for your review and adoption as a County Ordinance. So I would appreciate your consideration and approval of these proposed changes.

I also just wanted to let you know that both Jessica Wielgus, Commission Counsel, and Jon Idman, our Chief Regulatory Officer are here and we'd be happy to review some of the detail with you if you'd like or we can be on standby for questions, whichever method you'd prefer. So, thank you.

Speaker MCAULIFFE: Thank you. I had a question just to start with. Having been before the Cape Cod Commission with a number of different groups and agencies over the years, some of the DRI regulations in terms of getting a benefit from being a Project of Community Benefit or claiming a hardship exemption for a DRI review, I understand that you no longer feel these are necessary. They've been edited out of the Enabling Regulations, and now are they going to be handled? How are things going to be handled because I know when

the hospital tower came in under Project of Community Benefit, so how would, let's say, if a hospital tower came through now, how would you manage that without that specific subheading?

Commission Counsel JESSICA WIELGUS: I can take that one, Madam Speaker.

Speaker MCAULIFFE: Okay. Thank you, Jessica.

Commission Counsel JESSICA WIELGUS: For the record, Jessica Wielgus, Commission Counsel. So the processes that you don't see in Enabling Regulations anymore, they're simply -- they're in the Regional Policy Plan. So when Kristy mentioned that we've eliminated duplicative processes, that's essentially what has happened. So if you notice that Section 5 and Section 9 were removed from the Administrative Regulations, in the Regional Policy Plan in the Regulatory section there is a provision right now for that limited review to take place and also for hardship exemptions.

So those will take place within the confines of the actual DRI review as opposed to being above and beyond in different committee and then going to the full Commission.

Speaker MCAULIFFE: So it really is streamlining not only documents but streamlining the process?

Commission Counsel JESSICA WIELGUS: Absolutely, yes.

Speaker MCAULIFFE: Excellent. Excellent. Does anyone else -- yes, Lilli-Ann.

Delegate GREEN: Thank you for unmuting me. Yes, I understand that Commission staff is conducting housekeeping in Proposed Ordinance 20-07. I also understand that the Regional Policy Plan format was changed. However, the new format, there were revisions and deletions of ordinances the Assembly has previously approved. If the Assembly approves these housekeeping measures and adopts Proposed Ordinance 20-07, can we have the commitment that the Commission will review -- the Commission staff will review in a timely manner this chapter, Chapter A, and specifically Section 3 and the triggers for a mandatory DRI, which would include the threshold for Industrial Wind Energy Facilities?

Speaker MCAULIFFE: Who wants to take that?

Exec. Dir. KRISTY SENATORI: I was going to see if Jon Idman might be able to take that one. I know we've had a lot of conversations about our DRI thresholds so.

Speaker MCAULIFFE: Okay. I'm not sure --

Exec. Dir. KRISTY SENATORI: There's Jon down there. There he is.

Chief Regulatory Officer JON IDMAN: Hi. Do you see me? Do you hear me?

Speaker MCAULIFFE: Yes, I do. Okay.

Chief Regulatory Officer JON IDMAN: Thank you. Jon Idman, Chief Regulatory Officer for the Cape Cod Commission. Thank you for taking comments and thank you for your question, Ms. Green.

I want to reiterate what was -- what has been said already and what has been said succinctly and aptly in the cover memo to the Assembly. These are housekeeping. They're technical in nature. They're procedural versus being substantive in nature.

But expect to see the Cape Cod Commission back again with a more substantive round and a more comprehensive round of changes to Chapter A which would include without limitation some suggested or proposed amendments to Section 3 of these Enabling Regulations, which deal with those projects which are presumed to have regional impact and, thus, require Development of Regional Impact review by the Cape Cod Commission.

And as part of that comprehensive review and undertaking in the first instance by our Regulatory Standing Committee and then ultimately by the Commission, we would expect to

have a more vigorous public and more vigorous comprehensive process because those would be substantive changes.

Ultimately, those things would come to the Assembly of Delegates. And one of the things that would be discussed which was discussed many years ago with the Assembly of Delegates is potentially a land-based wind turbine DRI review threshold, which the Enabling Regulations does not contain today. Thank you.

Delegate GREEN: And we did have Minimum Performance Standards because of the format of the RPP, those were deleted, basically. So I'm glad to hear that you're going to take this seriously and with the review in the near future.

Thank you.

Speaker MCAULIFFE: Thank you. Yes, Sue Moran.

Deputy Speaker MORAN: Thank you, Madam Speaker. I just want to speak to the Commission really staying ahead of the regulations in terms of allowing expectations to be more easily understood in terms of development by builders and otherwise. If there's a predictability, sort of threshold, between the community transparent expectations, obviously, there are -- there's one document, the Regional Policy Plan, that we worked so hard on updating and that is really getting some positive comments; I think that will really never be more important than over the next couple of years. I think that the reaction to COVID, trying to get folks back to work, trying to get folks to really have financial stability is really going to depend on the clarity and directness of review and the expectations both inside and outside the Commission, as well as all the communities having a level of understanding of where, you know, what the Regional Policy means to them.

So I really want to commend this effort and the timeliness of it and the fact that, you know, more specifics will be coming but thank you. It couldn't be more important than now.

Speaker MCAULIFFE: Thank you.

Exec. Dir. KRISTY SENATORI: Great.

Speaker MCAULIFFE: I saw someone else. Yes, Brian O'Malley.

Delegate O'MALLEY: Right. Thank you, Madam Speaker. If I could ask, it seems to me that the issues of energy have been, basically, pulled out of this, and if I'm understanding it right, they would go in later. I mean the definition of Wind Energy Conversion Facility and the whole section on this has been pulled.

Do we anticipate that, well, I guess there's two questions. I think we anticipate later regs but where does that leave us in the interim with these? If these are struck out now, where are we with energy projects for the next six months?

Chief Regulatory Officer JON IDMAN: May I take this, Madam Speaker?

Speaker MCAULIFFE: Yes, go ahead, Jon.

Chief Regulatory Officer JON IDMAN: This is Jon Idman. Thank you for the question, Mr. O'Malley. Dealing with those two specific energy-related provisions that are proposed to be removed from the regulations; first is the definition of Wind Energy Conversion Facilities. That's a definition really without a referent in the regulations today. It's defined but it's really not used in the regulations except in the fee schedule. So there is no substantive regulation today in the Enabling Regulations about Wind Energy Conversion Facilities.

Number 2; there's a section at the end of Section 7 that deals with adjudicatory proceedings for energy-related projects, for projects that essentially have jurisdiction under the Energy Facilities Siting Board. Again, that's a procedural request by the Commission to

take out those provisions which were originally put in when the Energy Facilities Siting Board was a novel concept in land-use regulation in the Commonwealth in the late 2000's. And there was some uncertainty about what sort of jurisdiction, local and regional, land-use boards may preserve given the Energy Facilities Siting Board.

What we have seen in now more than a decade of practice is those particular procedures do no more or no less than what the Commission's regular DRI jurisdiction and procedure provides to the Commission in terms of jurisdiction over those energy projects. Frankly, all those provisions do is complicate the DRI review and potentially contract the really important public engagement and public participation processes that the Commission offers. Because if you read those particular provisions, what they do is they essentially have a mini court hearing, a true evidentiary judicial proceeding in the middle of a Public Hearing process and it distinguishes between parties and persons. They're not helpful distinctions. But what the Commission always endeavors to do under the Act is have a full and open transparent Public Hearing process without giving particular preference to your status either as a party or as a person.

So, again, that section is really more about removing it for process rather than neglecting the Commission's review of energy projects.

I also want to remind the Assembly that though they were generated by the Commission and approved by the Commission, there is a very lengthy -- there are many technical bulletins which the Commission has drafted and maintained to guide applicants and the Commission itself during the regulatory review of projects, and there is an entire technical bulletin devoted to the energy goal and objectives of the policy plan with specific guidance about particular energy projects.

Thank you.

Delegate O'MALLEY: Thank you.

Speaker MCAULIFFE: Thank you. Anyone else? I'm going to go to the next page here. Anyone else have hands up or want to ask any questions? No. Okay. Thank you, very much.

Is there anyone from the public who wishes to make comments at this Public Hearing? Okay. Seeing none, I will close the Public Hearing on the Amendment to the Enabling Regulations for the Cape Cod Commission.

Communications from Public Officials

- **County Administrator Jack Yunits notified the Delegates that work has commenced with the Reopening Task Force including the Chamber of Commerce, the Legislative Delegation and Town Managers from across the Cape**

Speaker MCAULIFFE: Our next item on the agenda, "Communications from Public Officials"?

Administrator JACK YUNITS: Madam Speaker, Jack Yunits, County Administrator, 30 seconds.

Speaker MCAULIFFE: Yes

Administrator JACK YUNITS: As you know, we have commenced work with the Reopening Task Force. It includes the Chamber and the Legislative delegation and town managers from across the Cape.

Today, we issued our first press release. Julian Cyr's office will serve as the PIO. I

forwarded that to Janice and every time anything comes out of this committee, I will forward it to Janice right away because I know how important it is for you all when you go back to your towns to be informed on what reopening process and procedures are going on.

Speaker MCAULIFFE: Thank you.

Administrator JACK YUNITS: So that will be the process going forward. Thank you.

Speaker MCAULIFFE: I'm going to add a comment that I had a discussion with Sue Moran, and I don't know if this has made this to your task force, but one of the other things as part of the task force, I don't know if you're looking at the public places as well. There are some beaches that are closed, some beaches that are open. So in terms of the big picture of the Cape and the tourist industry, it would be, I think, advisable to have a regional approach to all of that as well.

Yes, Sue. I didn't mean to speak for you but go ahead and address that.

Deputy Speaker MORAN: No, Madam Speaker, that was well said. Getting a blurb there. Okay. That's better.

The other thing I want to add beyond what Madam Speaker just stated is that the Barnstable County Economic Development Council will meet. It's a broad base of, you know, economic development experts in the area and colleges and we all pretty much know that make up to really discuss any kind of additions or concerns so that that can be a funnel for the group that Jack is talking about because, otherwise, I think they would be just constantly having hearings. So we're trying to provide opportunities where that information can be consolidated. Kristi was very helpful in --with the idea of looking to see whether we can put that together.

Speaker MCAULIFFE: I think that's going to be very important because the Task Force started out as a County Task Force and very quickly morphed into a very big kind of high-ranking governmental task force. And I think that you need to have the voices of the small businesses at the table because government is not small business and even though we like to hear from people, I think they don't have a seat at the table in terms of actual seat. They have representatives but I think that the Economic Development Council certainly can help funnel a lot -- I know a lot of businesses are getting ready this week to open because they're planning on the May 18 date. So, I mean, there are people who with or without the task force are going ahead. Sue.

Deputy Speaker MORAN: One more thing. When you think about Cape Cod in terms of an island, this is really hugely important so our tourism dates are coming along quickly. The governor's planning on giving reports about what can open when. And so the idea of expectations when folks do come to the Cape rather than having to check and see all of the different towns' contributions and roles and all of that.

So I think this is very important and really has a base in the financial, you know, aspect of when, in fact, we are able to open after it's considered safe.

Speaker MCAULIFFE: Yes, and I think Memorial Day will be a huge incentive to get these conversations going. Yes, Lilli-Ann.

Delegate GREEN: Thank you, Madam Speaker. And while I do hear what you're saying as far as a regional approach, some things may be very important as a regional approach but you may also consider different regions like the Outer-Cape, the Lower-Cape, Mid-Cape.

Speaker MCAULIFFE: Right. Yes.

Delegate GREEN: There may be different dynamics.

Speaker MCAULIFFE: Yes, the Cape is different from the state. You're right. Yes. Anyone else? Okay. Thank you, very much, Jack, for that. That is something that we didn't cover at the beginning but it's crucial. Thank you.

Speaker MCAULIFFE: Our next item is communications from members of the public. Anyone from the public who wishes to address the Assembly? Okay. I don't see any hands raised.

Assembly Convenes

Speaker MCAULIFFE: So we will now convene the Assembly. And our first item is a discussion and vote on the following and I'm going to take each Ordinance individually, and the first four ordinances are for the Budget for FY21.

Proposed Ordinance 20-01: FY21 County Capital Budget

Speaker MCAULIFFE: The first Proposed Ordinance is for the County Capital Budget. So this is Proposed Ordinance 20-01. **Is there a motion to put the County Capital Budget -- the first ordinance on the table?**

Delegate CHAFFEE: So moved.

Speaker MCAULIFFE: Mary, okay. The second was?

Delegate HARDER: Second.

Speaker MCAULIFFE: Okay. Thank you. I'm just worried about transcription. She'll have to kind of figure it out, I guess. Sorry, Janice.

Is there any discussion on the Capital Budget Ordinance? I don't see anyone. I don't hear anyone. Yes, John Ohman.

Delegate OHMAN: Thank you, Madam Speaker. I know that we're going to pass this budget, but with Jack present, with the potential devastating effects of coronavirus on the County Budget and the Registry of Deeds and whatever unknowns that are facing us, I hope that we don't just keep going forward because the money's in place. I think we have to have a more reasonable thought process about actually spending the money. I don't mind allocating it but who knows what the future will hold, and I think that we have to do due diligence as time goes on to say -- we don't know exactly what's facing us.

Speaker MCAULIFFE: John, I expect at the next meeting that we will have an update from Elizabeth and from Jack about the current, you know, the financial state. I wanted to kind of get the -- your point is well taken. The budget is the budget. We have to have something to work with but we also do need to hear and follow and be updated on real-time kind of things. Yes, thank you.

Administrator JACK YUNITS: I can add to -- the capital spending has been frozen. We're not spending any money. We're going to do exactly what you suggested, John. We're going to wait and see what happens out of the Registry. There are two key projects that we have to move on because we have to vacate the Probate Court by July 1. That is the Extension building that we have talked about before.

And the second is the roof of the District Courthouse which is now an emergency situation; we have to replace that. But that's it. Everything else is frozen.

Speaker MCAULIFFE: Thank you. Elizabeth, I think we're all set for now. There may be more questions in a minute. Thank you.

So I will take a roll call vote. I didn't see any other questions or comments on this.

Speak out because I don't have everybody on my screen. Okay. All right.
So the Clerk will call the roll for the first ordinance.

Remote Roll Call Vote on Proposed Ordinance 20-01: FY21 County Capital Budget Voting “YES” (76.24%): 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), Linda Zuern (9.15% - Bourne).
Absent (23.76%): Randi Potash (2.84% - Chatham), Patrick Princi (20.92% - Barnstable).

Clerk O'CONNELL: Madam Speaker, Proposed Ordinance 20-01 passes with 76.24 percent of the Delegates voting yes; 23.76 percent are absent.
Now known as Ordinance 20-03.

Speaker MCAULIFFE: Thank you.

Proposed Ordinance 20-02: FY21 County Operating Budget

Speaker MCAULIFFE: The second ordinance is for the FY21 County Operating Budget. This is Proposed Ordinance 20-02. **Is there a motion to put this on the table?**

Delegate O’HARA: Motion.

Delegate POTASH: Second.

Speaker MCAULIFFE: Are we all set on that? So the Operating Budget is on the table. Is there someone wishing to make a comment or ask questions? I don't see anyone on the first screen or on the second screen. Okay.

Then the Clerk will call the roll for the FY21 County Operating Budget.

Remote Roll Call Vote on Proposed Ordinance 20-02: FY21 County Operating Budget Voting “YES” (79.08%): 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), Linda Zuern (9.15% - Bourne).
Absent (20.92%): Patrick Princi (20.92% - Barnstable).

Clerk O'CONNELL: Madam Speaker, Proposed Ordinance 20-02 passes with 79.08 of the Delegates voting yes; 20.92 percent are absent.
Now known as Ordinance 20-04.

Speaker MCAULIFFE: Thank you.

Proposed Ordinance 20-03: FY21 Cape Cod Commission Operating Budget

Speaker MCAULIFFE: The next ordinance is Proposed Ordinance 20-03. This is the Operating Budget for the Cape Cod Commission for the Fiscal Year 2021.

Is there a motion to put Proposed Ordinance 20-03 on the table.

Delegate OHMAN: So moved.

Delegate O'HARA: Second.

Speaker MCAULIFFE: Thank you. Any comments, discussion, questions? I don't see anyone on that screen. Okay. All right.

So will the Clerk please call the vote.

Remote Roll Call Vote on Proposed Ordinance 20-03: FY21 Cape Cod Commission Operating Budget

Voting "YES" (79.08%): 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), Linda Zuern (9.15% - Bourne).

Absent (20.92%): Patrick Princi (20.92% - Barnstable).

Clerk O'CONNELL: Madam Speaker, Proposed Ordinance 20-03 passes with 79.08 percent of the Delegates voting yes; 20.92 percent are absent. Now known as Ordinance 20-05.

Speaker MCAULIFFE: Great. Thank you.

Proposed Ordinance 20-04: FY21 County Dredge Operating Budget

Speaker MCAULIFFE: And the final budget ordinance is Proposed Ordinance 20-04, the County Dredge Operating Budget.

Is there a motion to put this on the floor?

Delegate HARDER: So moved.

Speaker MCAULIFFE: Is there a second?

Delegate O'MALLEY: Second.

Speaker MCAULIFFE: All right. Any questions, comments, or discussions on the Dredge Operating Budget? Seeing none.

Delegate KANAGA: This is Chris.

Speaker MCAULIFFE: Yes, Chris.

Delegate KANAGA: Yes, I just want to express some reservations with respect to the Dredge and the Operating Budget and the ongoing issues that it's had. I understand that it's in the process of some solutions, but I had expressed to Jack previously my reservations about the budget for the coming year based on all the uncertainties and the breakdowns and the lack of staff and just everything that's been going on and the level of expenditures, you know, going forward and the lack of production, basically, in terms of the work.

So, you know, it seems like we heard some good news today about that but, you know, I just have a reservation about voting more, about the fund and so forth.

No, I just start worrying whether we're sending good money after bad, and it seems like someone's going to try and come up with a plan and somebody's been hired to try to come up with a plan and so forth. But we've now been dragging on this, no pun intended, for a couple years. And I just have some doubts about it is all, and I'm -- if anybody wants to chime in or address why we should vote for it, I'm happy to hear it.

I'm not proposing an amendment or anything. I toyed with the idea of just amending it and striking it, but I think it's possible it could do some good things; I just would like to hear some feedback from other members.

Speaker MCAULIFFE: Brian.

Delegate O'MALLEY: Yes, Chris, I understand your concern and reservation but I'm not sure where we go with it. I think that the dredge supplies a pretty key service certainly for all those towns on the southside. And, you know, the cost of our abandoning this is going to be to leave it to private contractors which is going to drive the price up for everybody using it.

I realize there's been lots of trouble, not all of it on our hands. Frankly, those guys who dropped the darn dredge on the way to deliver it, that wasn't our doing. It has felt like one thing after another; I agree. I think what I heard from Jack earlier was trying to put this thing on a, you know, really focusing on it and putting it on a sustainable course. I think we have to fund it. We've got to go forward with it.

Speaker MCAULIFFE: All right. Yes, John.

Delegate OHMAN: Thank you, Madam Speaker. I agree with Chris. I've watched this dredge for quite a few years now, and I've never seen it in such disarray. We've got three dredges. We can't even tell which ones are going to run.

I would like to see this dredge operation reviewed again. So my tendency is to vote against it and bring it back up again at a later date. I'm quite concerned over the lack of utility of the three dredges that we have.

Speaker MCAULIFFE: All right. Lilli-Ann.

Delegate GREEN: Thank you, Madam Speaker. If it were in my business and there was a situation like this, I would insist upon milestones and having those milestones met. I'm inclined to vote for this because the finances may be critical, but I would like to see milestones come back to the Assembly, and I'd like to see those targets met.

Speaker MCAULIFFE: I think we, you know, I had mentioned we were going to put it on the next agenda. We could certainly from there decide going forward how involved the Assembly wants to be in terms of oversight on the dredge. But the issue before us today is the ordinance and what we want to do about the operational budget for the dredge.

So is there anyone else who wanted to make a comment?

Asst. Administrator STEVE TEBO: Madam Speaker, if I may? Steve Tebo.

Speaker MCAULIFFE: Yes, Steve Tebo. Oh wait a minute, sorry, Steve. This is the Assembly meeting.

Asst. Administrator STEVE TEBO: Okay. Sorry to interrupt.

Speaker MCAULIFFE: Yes, I'm sorry.

Delegate O'HARA: Madam Chair, Tom O'Hara.

Speaker MCAULIFFE: Yes, Tom.

Delegate O'HARA: Yes, you know, obviously, you know that I have some concerns over the process here. I know that the cost of using the County dredge is far less than privatized -- going privatized. But if the machines aren't up and running and if we don't have the crew that we've maintained to run the dredge system, it doesn't get done. And if you don't

get it done, you can't have waterways shut down. These are navigational waterways that require maintenance especially, like you say, on the southside of the Cape; the sands move quite a bit.

So, I don't know that I'm ready to pull the plug on the program, but I think for some reason the questions don't seem to get answered, that we don't have a plan. We're still in the middle of reorganization from what I can see with the Dredge program. I wish I had just a little bit more information. And I'd like to support it but I really would like to know what the program is, where we're going with this.

Thank you.

Speaker MCAULIFFE: Thank you. Anyone else? We still have the ordinance -- yes, Elizabeth.

Delegate HARDER: Just quickly, if we approve it, I know we can't like add and -- it's too late to add an amendment, I guess, but can we insist that we get dredge -- we get dredge updates at every meeting and that we get oversight of it to make sure they're staying on track? Because, you know, we kept saying before they even dropped it we were saying, well, where's the other one, where's this one, and we kept being told, oh, you're getting a report; oh, they're putting the report together now. We never got those reports.

So I feel like we need to have almost a guarantee that somebody will come to us at every meeting and update us if we're going to approve this so that we can keep a close eye on it.

Speaker MCAULIFFE: I think certainly, as I said before, we can put it on the agenda for the next meeting and think about what you think the Assembly -- what would be appropriate for the Assembly to do in terms of Dredge oversight. We are not the executive or the administration but certainly we could work with administration and the Commissioners to see what we could do to get a better result because everyone has expressed a lot of frustration about what's gone on in the past.

Is there anyone else?

Delegate POTASH: Randi Potash here. Hello?

Speaker MCAULIFFE: Yes, Randi.

Delegate POTASH: Hi. I'll be brief. I would just say we have had an update pretty much at every meeting because it's always brought up; we're just not happy with the information that we get. So I think going forward we need to figure out a more planned approach to what the update needs to include every time and then see how we can as a committee, as an Assembly, be more involved or make sure that the people are in place that need to run it are in place. Otherwise, we are just going to have a crippled Dredge program and it may be better to have none than one that's this embarrassing.

Speaker MCAULIFFE: Thank you.

Delegate POTASH: So, thank you.

Speaker MCAULIFFE: Yes, anyone else? I'm looking to see. Okay.

So, the Clerk will call the roll call vote for the Ordinance for the Dredge Budget.

Remote Roll Call Vote on Proposed Ordinance 20-04: FY21 County Dredge Operating Budget

Voting "YES" (52.77%): Mary Chaffee (4.55% - Brewster), J. Terence Gallagher (2.30% - Eastham), Lilli-Ann Green - (1.27% - Wellfleet), Elizabeth Harder (5.67% - Harwich), E. Suzanne McAuliffe (11.02%-Yarmouth), Susan Moran (14.61% -

Falmouth), Brian O'Malley (1.36% - Provincetown), Randi Potash (2.84%- Chatham), Linda Zuern (9.15% - Bourne).

Voting "NO" (25.38%): Christopher Kanaga (2.73% - Orleans), James Killion (9.58% - Sandwich), Thomas O'Hara (6.49% - Mashpee), John Ohman (6.58% - Dennis).

Voting 'PRESENT' (0.93%): Deborah McCutcheon (0.93% - Truro).

Absent (20.92%): Patrick Princi (20.92% - Barnstable).

Clerk O'CONNELL: Madam Speaker, Proposed Ordinance 20-04 passes with 52.77 percent of the Delegates voting yes; 25.38 percent voting no, .93 percent present, 20.92 percent are absent.

Now known as Ordinance 20-06.

Speaker MCAULIFFE: Thank you.

Speaker MCAULIFFE: I think if nothing else, the closeness of the vote gives a very strong message as well. So I think we need to, perhaps, get more than just updates as Randi said.

Proposed Ordinance 20-07: Cape Cod Commission Amendment to Ordinance 90-12 Chapter A Enabling Regulations

Speaker MCAULIFFE: The next ordinance is for the Cape Cod Commission to Amend Ordinance 90-12, Chapter A: Enabling Regulations Governing the Review -- the Review of Development of Regional Impact.

So this was just in the previous part of the meeting. **Is there a motion to put the Cape Cod Commission Ordinance on the table.**

Delegate HARDER: So moved.

Delegate O'HARA: Second.

Speaker MCAULIFFE: Okay. Thank you. Anyone have any comments or questions or suggestions at this point?

John Ohman.

Delegate OHMAN: Thank you, Madam Speaker. Yeah, as usual to me, the Cape Cod Commission has done its due diligence beyond any expectations, and I will gladly vote to put it in favor.

Thank you.

Speaker MCAULIFFE: Thank you. Anyone else? I'm scanning to my other screen, so if you have your hand up, I'm hoping -- okay. Seeing none.

We will go forward with the vote. It will be a roll call.

Remote Roll Call Vote on Proposed Ordinance 20-07: FY21 Cape Cod Commission Amendment to Ordinance 90-12 Chapter A Enabling Regulations

Voting "YES" (77.81%): Mary Chaffee (4.55% - Brewster), J. Terence Gallagher (2.30% - Eastham), Elizabeth Harder (5.67% - Harwich), Christopher Kanaga (2.73% - Orleans), James Killion (9.58% - Sandwich), E. Suzanne McAuliffe (11.02%-Yarmouth), Deborah McCutcheon (0.93% - Truro), Susan Moran (14.61% - Falmouth), Thomas O'Hara (6.49% - Mashpee), John Ohman (6.58% - Dennis), Brian O'Malley (1.36% - Provincetown), Randi Potash (2.84%- Chatham), Linda Zuern (9.15% - Bourne).

Voting "PRESENT" (1.27%): Lilli-Ann Green - (1.27% - Wellfleet).

Absent (20.92%): Patrick Princi (20.92% - Barnstable).

Clerk O'CONNELL: Madam Speaker, Proposed Ordinance 20-07 passes with 77.81 percent of the Delegates voting yes; 1.27 percent voting present; 20.92 percent are absent.

Now known as Ordinance 20-07.

Speaker MCAULIFFE: Thank you.

Thank you to the Cape Cod Commission and staff for giving us your time and your presentation and your explanation today. I appreciate it. Thank you. It's not easy to do in this format. So I think it worked out very well. Thank you.

Exec. Dir. KRISTY SENATORI: No problem. Thanks.

Speaker MCAULIFFE: We look forward to hearing from you also down the road when you come back with your further amendments.

Exec. Dir. KRISTY SENATORI: Sounds good.

Speaker MCAULIFFE: Our next item are committee reports. I don't believe we have committee reports. There have been no committees that have met.

Speaker MCAULIFFE: Report from the Clerk.

Summary Report from the Clerk

- **Reminder to Delegates that Statements of Financial Interest are due by 5/26/20**

Clerk O'CONNELL: Thank you, Madam Speaker. Again, just a gentle reminder with regards to completion of your Statements of Financial Interest, I still have a few who have not. In a brief discussion I had with the Delegate from Truro today, she indicated that she had some conversation with the office that indicated they had extended the deadline. I was unaware of that. I thought the deadline they extended was for completion of the SFI for appointed, not the elected. I thought the appointed went to the end of May, same date as the elected. But I will check on that, but I still have a few that need to complete that.

And the task force memo that Jack mentioned earlier at the meeting; during the meeting I emailed it to the Assembly of Delegates, so you'll probably have it in your inbox now.

And that's all I have. Just so much enjoying working remotely -- not! I'll be in the office tomorrow. I'm back to the office on a somewhat staggered work schedule Tuesday and Thursday using all the appropriate precautions. It's working out so far. It just has to be. I've got to get in there. I cannot do everything from this desk.

So that's it for now, and I look forward to seeing you again at the next meeting wherever it may be.

Speaker MCAULIFFE: Thank you. And this has not been an easy task, and thanks to the Clerk we've been able to function. So I'm very appreciative of all of the work and the help.

Other Business

- **Prerequisites related to proposed ordinances for solar leases**

- **Assembly Delegates suspend rules to allow County Counsel to speak**
- **Speaker will look for an energy attorney to provide an opinion to the Assembly on the energy component of the solar leases**
- **Delegate Brian O'Malley submitted Proposed Resolution 20-03 regarding support of the Human Rights Advisory Commission statement relative to the Wampanoag Land Trust**

Speaker MCAULIFFE: Our next item is I have "Other Business." I had a listed topic and this is a discussion regarding the prerequisite for a Public Hearing on the Proposed Ordinances regarding the lease of multiple parcels of County land and buildings. And this is what we talked about earlier in the meeting, that CVEC leased this. So I'm just going to take a minute here.

The Commissioners had voted the ordinances and sent the ordinances for the leases and these are the leases for photovoltaic solar panels on County property. There's four of the leases that are for roof tops; I think one is for the County Farm, and then there's some for parking lots.

These leases are extremely extensive. They were produced by CVEC. I understand that it was kind of a traditional boilerplate sort of lease that came through, and I was well prepared to have four hearings today on the leases until we started to look at the leases and realized that we didn't have information that we needed on how these leases will interact with our current leases. We have courts; we have the DA; we have OpenCape; we have the Sheriff. We have a lot of leases that actually impact the County property that is being addressed in these CVEC leases.

And this, if you can see this, it's a ream-and-a-half of paper. It is -- these are the leases. Other than bringing this before the Assembly for a vote without having looked at the implications and how they fit with current leases, without the information that I think we need, my proposal is to get special counsel to look at the leases to see how they fit with the County to make sure that the County interests are examined in relation to what the CVEC proposed leases are.

I understand there's a time deadline and there's a huge financial deadline, but I'm concerned that we don't have enough information to bring these forward.

So that's my presentation. I just wanted to open that up for comment. But my intent at this point is to go forward with special counsel to see -- get the information we need to make a vote. Anyone have a comment, question?

Yes, Linda Zuern.

Delegate ZUERN: I totally agree with you, Madam Speaker. Thank you.

Speaker MCAULIFFE: Any other comment -- yes, Chris.

Delegate KANAGA: The question I have is whether it would be possible to authorize the leases with the condition that the special counsel --

At any rate, so that the approval is conditioned on, you know, getting an opinion back from special counsel that it does not adversely -- materially and adversely impact the existing leases.

Speaker MCAULIFFE: Thank you. Mary, I see your hand is raised.

Delegate CHAFFEE: Thank you, Madam Speaker. Over a year ago, Dr. O'Malley and I submitted resolutions to the Assembly to stimulate action on Climate Change. And the County Executive has taken action this year, which has been a really good thing. And this

package of proposed leases I see as a remarkable opportunity for Barnstable County, and I agree we need to scrutinize the leases appropriately but I'm really concerned about time slipping away since there is a single pot of money available and there's other entities who are elbowing their way forward in order to get to the pot of gold, so to speak.

So I'm really concerned about the timeframe here, and I think we need to make this a major priority. I understand that these leases if we approve them could generate almost \$475,000 annually in revenue for the County and save \$126,000 in energy costs. And especially with the pandemic issues we are facing, this is a great opportunity to do something good economically and environmentally.

Thank you.

Speaker MCAULIFFE: Yes, Lilli-Ann.

Delegate GREEN: Thank you, Madam Speaker. I was muted. I fully appreciate what Delegate Chaffee just said. However, I've looked at the two communications that Mr. Troy has given to us, and I think that Mr. Troy has some serious concerns here that I think need to be addressed and further researched and addressed.

When Wellfleet, I mean, I'm Secretary of the Energy Committee, when we went forward with our contract, we went back and forth. We had an energy attorney look at it. So I would make the suggestion that not only Mr. Troy look at it from a County standpoint but also we have -- the County has our own energy attorney look at it. Because in just a small microcosm of what Wellfleet did, we were able to negotiate some of the things that seemed like a slam dunk. I mean, they just seemed like, you know, why would we give, I mean, the 46 and 47, I mean, those I, you know, of the memo that we received on Friday the 10th, you know, I just put a big no. Why would we do something like that? I mean there are serious concerns here that need to be addressed, I feel, and, yes, these are great projects and I do appreciate that Mr. Yunits has taken our concerns seriously, and I do agree that there should be some solar projects in the County, but I think they should be done responsibly and they should be actual solutions and not create further problems.

So, yes, Madam Speaker. Thank you. I would appreciate taking the actions that you're proposing.

Speaker MCAULIFFE: Yes, Brian.

Delegate O'MALLEY: I want to be clear; I think I'm partially responding to what the Delegate from Wellfleet just said. What we're facing here is not so much the creation of problems but the potential for interacting -- negatively interacting legal documents.

The complication that we face at the County is, of course, that we lease much of our space to the state, and they have to be accommodating to what we're planning to do.

I like the Delegate from Orleans's suggestion that we build in some caveats. And I want to amplify a little bit on what we're facing here, what Mary Chaffee and I learned in our conversations with Liz Argo was essentially, in fact, what's going on is that there are tranches of applications being accepted by the state, and as this process winds its way along, the value of these projects declines. There were big incentives in the beginning and as the years go by and the projects roll out, the incentives get smaller and smaller. There comes a point where it becomes not worthwhile. We are approaching that point in their estimation.

So my sense is we need to move forward here with some expediency, and I like the idea of protecting ourselves legally, getting some additional counsel and all of that, but this has to be kept on some kind of forward-moving track. After all, we've gotten a little break here with COVID from climate warming. We've got a little bit of time but, ultimately, we

have to come back to that. This is the big picture is how we cut our energy footprint long-term.

Speaker MCAULIFFE: John.

Delegate OHMAN: You know, what Delegate Kanaga said makes a lot of sense to me. Let's give it an approval with some caveats and, therefore, any more delay is going to make it functionally unacceptable. We need to find a way to get this to happen. It's 475 grand in income. It's a good thing to do. It's the time to do it, and we need to find a way to go forward without the delay. Delay means denial. That's the way I see it, so we've got to find a way to go forward.

Thank you.

Speaker MCAULIFFE: Sue, Sue Moran.

Deputy Speaker MORAN: Thank you, Madam Speaker. I, as an attorney, do social -- solar development, rather. I've also done on be -- for individuals; I've also done it on behalf of the EDIC for Falmouth with respect to the landfill. And so I'm more familiar with how tight these deadlines are and how quickly these programs get filled.

For example, the solar on the landfill that we initially did was an extremely favorable rate and it's giving the town over a million dollars a year from how I understand the numbers.

The second Phase II of the project it is probably 20 percent of what we've done with the other one. We're still going ahead because there's an affordable housing element to that with the developer.

But these are the reasons why I'm going to speak in favor of Delegate Kanaga's suggestion as supported by Delegate Ohman that we have a very limited review and move this forward quickly.

I also know as an attorney reviewing leases how long this can take especially in this time of COVID when people, you know, attorneys are working from home, you know, their caseloads haven't necessarily gotten smaller but their time has for one reason or another.

And I'm also looking at the fact that the Commissioners have had counsel review and I know that there just are with -- solar developers there just are limits to what is how far you can negotiate these because they have a certain profit point that they also have to make to make the project feasible.

So I'm going to support Delegate Kanaga's motion when he makes it.

Speaker MCAULIFFE: Anyone else who hasn't spoken?

Delegate O'HARA: Madam Chair, yes. Tom O'Hara here.

Speaker MCAULIFFE: Yes. Okay. Tom.

Delegate O'HARA: Yes, I mean, I think what I'm hearing Mr. Kanaga, Delegate Kanaga say is that he's saying that we're not saying -- we're not saying no, we just have to make sure that we're allowed to do this with the current leases.

So nothing's going to happen until we get a favorable report back from the consulting attorney who reviews this and it comes back that it's fine; we can move forward. So nothing's going to happen until that comes back. That's the way I understand this; am I not --

Speaker MCAULIFFE: No, no, you're right because it's not just -- this isn't just is this favorable? This is giving up, essentially, giving up rights to County property for year 20 to 25 years in terms of parking lots and parking lots that are already leased to the Courts --

Delegate O'HARA: Right.

Speaker MCAULIFFE: -- that perhaps they may lose spaces. They may have spaces taken up by batteries. These are things that we don't have the information, you know. The

information that Attorney Troy has presented to us are just some questions that need to be answered. You know, the Chief Justice of the Trial Court may take a look at this and say no. And so if we go ahead and approve these and we have leases with CVEC and then in conflict with our current leases, we're in the middle of a mess.

Delegate O'HARA: Right. I --

Speaker MCAULIFFE: When I said, "special counsel," I meant a special energy counsel or special counsel to make sure that we have current leases on the property that impact these leases.

So why would you not want to make sure that you're okay? I understand the financial.

Delegate O'HARA: I agree with that and that was my interpretation of what Mr. Kanaga said. And, to me, so we're not saying yes to the project; we're just saying yes -- if it's approved by everybody, we'll move forward. That's what I'm --

Speaker MCAULIFFE: But I don't know if that's going to satisfy the developers. I think the developers need to have the leases to move forward. You know, they can't just say, well, yes, but, you know.

Chris.

Delegate KANAGA: Thank you. I guess just based on the discussion, I think to clarify, Tom, what I'm saying is I -- let me just make a motion because I think, you know, it's either going to go up or down and people can treat it as they want. But I would rather approve the leases with the condition that our counsel determine that in the case of each lease that there is no -- it doesn't occasion a material breach of any existing lease or that that condition is cleared up.

And I think if we just vote it with the condition that there not be -- that our counsel determine sometime in the next two weeks that unless he determines within the next two weeks that it causes a material breach of an existing lease, we've approved it. So that's the motion I'm making.

Speaker MCAULIFFE: These are ordinances, Chris. They need a Public Hearing. A Public Hearing needs a 10-day notice. So in order for that to happen probably in the next few days we would have to notice for hearings for our next meeting because the hearing -- the leases are ordinances.

Delegate KANAGA: Okay. Well, I guess what I'm trying to do then is to get that done and give counsel two weeks to determine whether there's a material breach of any other lease so that that gets underway, because I think this is an extraordinary opportunity and it would be a shame to let it be denied in essence by the passage of time. So that's why I would ask that we go ahead.

Speaker MCAULIFFE: No, a point, and I apologize for having to say this, but it seems that these leases should have been vetted prior to coming to the Assembly. We don't have the information, I don't believe, to make a free and clear decision. And I just feel that more information in terms of how these interacted with our current leases would've been very helpful to us. And we are going to be the bad guys now because we are going to delay something if we do it correctly and do our homework and that's unfortunate.

Delegate O'MALLEY: For the record, I will second.

Speaker MCAULIFFE: Hold on. Lilli-Ann had her hand up.

Delegate O'MALLEY: Chris made a motion; I'm seconding it.

Delegate GREEN: Well, you know --

Delegate O'MALLEY: There's a motion that hasn't been seconded.

Delegate GREEN: But it can't be acted on is what the Speaker has just said. So there's one thing as far as these blocks are concerned, you know, that the Energy Committee in my town did its work. It went on to the Planning Committee, and the Planning Committee kept on asking for certain things. And during that time, there were people on the Energy Committee that kept on showing up at the Planning Board saying, "We're going to miss out," just the same kinds of things that we're talking about.

Well, it turns out that the Planning Board did their job; they did it well. They were very careful and we didn't miss out. We were in the same block after all this was said and done. So I don't know if this is the same situation or not, but I would say that's a good example.

The other thing is that Number 46 and 47 -- one is that Barnstable -- 46 says "Barnstable County conveys to CVEC legal status as a third-party beneficiary to the lease contracts." Forty-seven says, "That this agreement is CVEC's standard form Lease Agreement for project development, and that modifications to the main body of this agreement are not permitted."

So I really do think that the Speaker's suggestion for counsel -- and I mean maybe things can move a lot faster than some of the Delegates think. I think it's important to really take a look at this and get it right. I don't disagree with solar projects. In fact, I think it's a good idea but I think we need to get it right. We have that obligation to the citizens of Barnstable County now and into the 25 years into the future as well to get this right.

Thank you.

Speaker MCAULIFFE: Sue, do you have your hand raised? Sorry.

Delegate MORAN: Sure. On that point, what happens with these contracts, they're like mortgages that are distributed to investors. So the reason for some of that language is that in order to market them to investors, which is how they happen, there are limitations in that regard just to address that particular point.

Delegate GREEN: Yes, but I have to say that is a concern of CVEC's projects. I mean some of them, the companies that they thought they were doing business with all, of a sudden went bankrupt and then the towns had to deal with legal issues and they had to hire legal counsel.

I mean there are things that have happened in the past that I think it's worth really taking the time and doing due diligence, not just giving in and letting them do what they propose. There needs to be a legal scrutiny about what their contracts are saying.

Thank you.

Speaker MCAULIFFE: Yes, Elizabeth.

Delegate HARDER: Is two weeks enough time for us to get these answers so that we could have the Public Hearing at our next meeting and vote on them?

Speaker MCAULIFFE: I'm not even sure two weeks is enough time to go to the Chief Justice of the Trial Court and ask them what they think about the parking canopies. I don't know that answer.

Delegate HARDER: Yes.

Speaker MCAULIFFE: I will tell you I have reached out to the Clerk to find special counsel that would -- and I say "special counsel" meaning someone who has a specific expertise in energy leases and is not the County Counsel because County Counsel has weighed in on some very general real estate things and general things with our current leases, but I think that it's going to require someone with expertise slightly different from our County

attorney.

And I'm not -- I wish this had been done when this started in November, when the County started negotiating these leases. I wish this had been done and it wasn't up against -- we weren't up against a wall at this point. This was dropped on us literally in a couple weeks.

So if the Assembly votes to do something one way, and they're going to go forward and do it one way, that's certainly the Assembly's prerogative. I'm just telling what I believe is the right thing to do because I believe that we will be at risk with some of our current leases.

Jim.

Delegate KILLION: Thank you, Madam Speaker. I'm in full support of the Speaker's direction on this. I mean she's absolutely right. This has been dropped on us. It's a rather complicated matter, and I don't think it's something that's going to be resolved that quickly. And, again, it's not our fault.

I think the folks that prepared the leases didn't necessarily anticipate that they were going to be scrutinized in any way, perhaps didn't do as much homework as they should have. I'm not really sure how approving leases contingent upon some legal reviews is going to be all that helpful given the fact that the leases could fall apart very quickly based on that review.

So I think the best thing we can do is move forward. I don't think this is going to take particularly a great deal of time. I understand people are working from home but they're still working. And I think that these can be reviewed by a lawyer relatively quickly. And I think at a first pass they'll be able to tell you fairly accurately if there are going to be conflicts that we need to be concerned about.

Now, I thought I saw Mr. Troy on this meeting and maybe he --

Speaker MCAULIFFE: He is.

Delegate KILLION: -- has some comments that can clear a little bit of this up.

Speaker MCAULIFFE: We'd have to suspend the rules.

Delegate OHMAN: So moved.

Speaker MCAULIFFE: Would someone make a motion to suspend the rules?

Delegate O'MALLEY: Second.

Speaker MCAULIFFE: Okay. It's a roll call to suspend the rules. Is there anybody on the roll call that would say no?

Remote Roll Call Vote to suspend the rules to allow County Counsel Troy to speak
Voting "YES" (79.08%): 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), Linda Zuern (9.15% - Bourne).
Absent (20.92%): Patrick Princi (20.92% - Barnstable).

Clerk O'CONNELL: The rules are suspended.

Speaker MCAULIFFE: Mr. Troy, hello.

County Counsel ROBERT TROY: All right. Well, as you know, my role is only to

present issues to the Assembly and the County Commissioners identifying my concerns. What happens with all of that is completely in the realm of the officials.

However, with all due respect with what has been said today, I am very certain that the Assembly does not have jurisdiction to take any votes on the leases because the Charter requires a number of preliminary hearing notices and other obligations, which I cited in my memo, and that would have to be observed. So there is no vote that can legally be taken. It's not on the agenda. There's Open Meeting Law issues.

So I respectfully suggest that regardless of what the Assembly ultimately does, it needs to be done in a way that complies with the requirements of the Charter.

That being said, I think there are two separate issues that I think need to be looked at. One is the issue of how and if the proposed leases conflict with current leases. So, for instance, in my memo I pointed out that the Trial Court Chief Administrative Judge is the person who has to approve modifications to that lease. So that's one of the prerequisites that needs to be done.

And if you look at the grid plan for the parking lot, you will see that there is a direct conflict between the utilization of the parking lot for the proposed leases with the current lease with the Trial Court, and there's going to be input from many of the people who work at the Trial Court and, obviously, one of our own Delegates, Delegate Princi, is aware of the concerns about anything that impacts or reduces parking. This is information that you need to have, and its information that I am not qualified to give you but the appropriate people need to do that.

The second is the particular issues which relate to energy, and those issues as I have identified need to be looked at with somebody with technical expertise and, unfortunately, I don't have that. And I have informed the Speaker that if those issues are going to be looked at, the Assembly needs to have special counsel which is provided for in the Administrative Code of the County Charter.

And, finally, there are some other practical issues that have to be looked at, and the Assembly needs to look at them. One of them is the elements of the proposed leases which say that if there needs to be any repair to the roof tops of the courthouses or the different buildings including the Registry of Deeds building, then it is the responsibility of the County to remove the solar panels from the roof. They have to store them at another location. You lose part of the revenue and they have to put them back all at County expense. This is something that needs to be looked at by someone, one of the members of the Assembly could do this and look at whether or not this is a financially feasible proposal or whether that particular provision of the lease needs to be amended.

So those are some of the issues that need to be looked at. I agree that it should be done in an expeditious fashion and I hope it can be, but I believe that if the Assembly does not do its due diligence (Inaudible) time given the history of what has happened between the ordinances being originally contemplated and then filed. And, now, I don't believe that the Assembly has sufficient information so that it meets its obligation of due diligence.

And I respectfully suggest that the Assembly members need to understand that if something goes awry and the leases are approved without due diligence and, obviously, we all know where the fingers are going to be pointed.

Speaker MCAULIFFE: Thank you. Chris.

Delegate KANAGA: Thank you. The opinion apparently is that it's beyond the power of the Assembly to approve the leases today. So, what I would propose -- I guess the motion's

been made and seconded to approve the leases, so I guess we have to talk about that first. But, perhaps, what we need to do is just make sure -- pass a resolution to get this on the agenda for next time for the public meetings and to take a vote at the next hearing.

I, for one, on the lease by lease basis can't imagine that leasing the roof of the District Court in Orleans is going to conflict with the District Court's lease but perhaps it is. And if it is, we ought to be able to know that in two weeks.

So I just don't want to make a long drawn out study of this with committees and everything else. I just want to know is it a material breach of that lease or isn't it and have a Public Hearing as required.

Speaker MCAULIFFE: I'm going to respond to -- I have no intention of making this a long drawn out process. I had this set to go for four hearings today until we got all the information that we needed to have those hearings. And when I saw three inches of papers, I didn't think that there was enough information to have the meeting.

So it's not my intention, even though I've never spoken directly with Liz Argo or even Jack Yunits on this topic; it's never the intention to draw this out or somehow delay it. It is my intention as a government elected official to make sure that I don't do something that I think is going to impair the County. That's where I'm coming from.

So there's no, you know, I don't want anyone thinking that I'm opposed to this project; I'm not. I'm opposed to damaging the County and that's why I'm bringing this forward. Maybe you think I'm being over cautious but I've been doing this for a long time and I know that things can sneak up on you when you least expect it. So you just, in my mind, need the information to make a good decision. That's where I'm coming from.

I didn't know if anybody else had hands up, comments?

Yes, Lilli-Ann.

Delegate GREEN: Thank you. As much as the Delegate from Orleans is talking about where he would like to go, I mean I would -- at the next meeting, I think it would be important to get as much information as we can before the meeting.

But I think, also, it's really important to have an energy attorney take a look at this, and how do we go forward with doing something of that nature. I mean because, you know, certainly just in our one little lease in Wellfleet, I mean, we were able to negotiate a better deal for the town. So I mean I don't doubt that, you know, you just don't -- I can't imagine you just take whatever CVEC gives you and say, okay, that's fine. We're not going to change anything or suggest any changes.

I mean, I think that we in doing due diligence for the County we should have an energy attorney take a look at that. So how do we move forward with that?

Speaker MCAULIFFE: Well, as I said, I have already reached out through the Clerk to people who might be available and might be interested. It's challenging because CVEC has worked with so many energy attorneys, but we are trying to find one that has not worked with CVEC.

Delegate GREEN: I'll forward to you the five suggested names that we have in Wellfleet; is that okay? I'll just email them.

Speaker MCAULIFFE: That would be -- that would be great. You can send them to Janice. But we've already started looking because after today's meeting, the intent was to go forward and find someone and get this to an attorney as fast as possible. That was the intent. So even without discussing this with the Assembly, we started looking for attorneys.

Delegate GREEN: Thank you.

Speaker MCAULIFFE: But the Assembly's wish is to not look at -- not send this to an attorney and not look at this, we could take that vote next week, next meeting.

Delegate GREEN: Oh, I think that would be a critical mistake.

Delegate KANAGA: Excuse me. All I'm saying -- it's not going to take a month for someone to tell us whether the lease at the Orleans District Courthouse conflicts, the lease of the roof at the Orleans District Courthouse conflicts in a material way with the existing lease.

And as to the merits and the energy attorneys and the committees and all that stuff, that's just not the way I would go. I mean we have business people who have looked at these and have talked to various contractors and done the negotiations, and I'm not really interested in redoing that. I'm interested in does it conflict in a material way with an existing contract or doesn't it?

Speaker MCAULIFFE: Yes, with all due respect, I'm not sure how much it was looked at before it came to us. I know CVEC prepared the leases for the energy, but I'm unaware -- I don't have any information from the County of any homework they did.

And the Orleans District Courthouse roof is one of seven leases and probably two or three of them are fine. You know the County Farm doesn't conflict necessarily with a lease. I don't know about the energy part of it, but the County Farm, you know, doesn't. But if we could approve a couple of the leases, maybe we could do that. I just think it's a package deal. But no one's contacted me about that so I don't know.

Delegate O'HARA: I have a simple question, if I may? Tom O'Hara.

Speaker MCAULIFFE: Yes, Tom.

Delegate O'HARA: Instead of reviewing all the leases, would it be easier to go to the state and ask them if it would be okay if we put solar panels on top of the roofs and then they would sign off and agree to that?

Speaker MCAULIFFE: It's not the state. It's not the state. It's the Trial Court.

Delegate O'HARA: Well, in the Trial Court.

Speaker MCAULIFFE: Yes, because it's the Chief -- it's the courts that lease these buildings so it would be the Chief Administrative Justice of the Trial Court who would weigh in on this.

Delegate O'HARA: Yes, whomever it may be, the power to be, you know, the leaseholder let -- to allow us to put on a solar panel, an energy saving device. I don't know that the state would be against that.

Speaker MCAULIFFE: Yes. And the unintended consequence of, you know, we are doing an emergency repair on a roof now, so if we had to do an emergency repair on another roof there would be -- that would cost the County significant money.

Delegate O'HARA: That is the problem. Absolutely. There is a concern there.

Speaker MCAULIFFE: And, you know, Lilli-Ann's point is well taken in terms of no one has looked at these leases from the County's perspective in terms of is there a negotiation or wiggle room or are there things that would be more suited for the County.

I know that these are structured and they have to have certain things in them, but there may be things that we're not even aware of. They just haven't been looked at.

Delegate O'HARA: Right.

Speaker MCAULIFFE: So it's been dropped on us.

Delegate O'HARA: Right. And I'll be honest with you, you raise a good point. Normally the procedure that I've seen in the past is they have put on a new roof and then they put the solar systems on top of the new roof. So the life expectancy is there for the life of the

panels.

Speaker MCAULIFFE: Right. We don't want to have to take solar panels down.

Delegate O'HARA: Right.

Speaker MCAULIFFE: Right. Yes, do not put solar panels on old roofs.

Delegate O'HARA: Correct. Right.

Speaker MCAULIFFE: All right. So this leaves us as I will look into energy attorneys. I will look into seeing how expedited we can go with these leases with everybody; I don't want this taking months but I want to do it correctly. We'll go forward with that.

We'll move on then to anyone else have any other business. Yes, Brian.

Delegate O'MALLEY: Madam Speaker, I'm introducing a proposed resolution. I'm speaking as your appointee as liaison to the Barnstable County Human Rights Advisory Commission.

And, as you know, there was a recent decision by the federal government to withdraw recognition for the land -- travel land taken in trust. This decision is being protested and, in fact, there's a judge -- there's a hearing going to happen tomorrow.

In any event, the Barnstable County Commissioners voted in favor -- voted to support the letter that the Human Rights Advisory Commission sent to the Interior, and I'm resolving - - this is simply a resolution to say we support and enforce the communication from the Human Rights Advisory Commission.

This is essentially the same as what the Board of Regional Commissioners passed and Commissioner Bergstrom referred to just at the beginning of our meeting today.

Speaker MCAULIFFE: Thank you. So this will be on the next agenda.

Delegate O'MALLEY: All right. Thank you.

Speaker MCAULIFFE: Any other, "Other Business"?

Clerk O'CONNELL: Madam Speaker.

Speaker MCAULIFFE: Yes.

Clerk O'CONNELL: Madam Speaker, I was wondering if I could ask the Delegate from Provincetown to forward to me a copy of the communication that was sent from the Human Rights Advisory Commission because that I would want to include in the packet with the Proposed Resolution that you will consider at the next meeting.

Delegate O'MALLEY: Yes, I will do that. I sent the resolution -- the proposed resolution to you. I will send the text of what was essentially a press release.

Clerk O'CONNELL: Okay.

Speaker MCAULIFFE: I'll take a motion to adjourn.

Delegate O'HARA: So moved.

Deputy Speaker MORAN: Second.

Speaker MCAULIFFE: There's a second. Okay. All in favor? Aye. We are adjourned.

Whereupon, it was moved and seconded to adjourn the Assembly of Delegates at 6:45 p.m.

Submitted by:

Janice O'Connell, Clerk

Assembly of Delegates

List of materials used at the meeting:

- Business Calendar 5/6/20
- Unapproved Journal of Proceedings of 4/15/20
- COVID-19 Charts
- Public Hearing Notice for Proposed Ordinance Nos. 20-01 through 20-04
- Public Hearing Notice for Proposed Ordinance No. 20-07
- Proposed Ordinance Nos. 20-01, 20-02, 20-03, 20-04, 20-07
- Proposed Ordinance No. 20-07 Cape Cod Commission PowerPoint presentation slides
- Proposed Ordinance No. 20-07 Cape Cod Commission Memo
- Memo from County Counsel Troy regarding proposed solar leases
- Email from County Counsel Troy regarding proposed solar leases