

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. on May 20, 2020*

UNAPPROVED Journal of Proceedings – May 20, 2020

Call to Order

Speaker MCAULIFFE: All right. It's 4 o'clock. I'm going to call to order the Cape Cod Regional Government, Assembly of Delegates. We are meeting remotely through remote participation pursuant to Massachusetts Governor Charles Baker's order suspending certain provisions of the Open Meeting Law on March 12, 2020.

This will be livestreamed on YouTube. And it is Wednesday, May 20, 2020, at 4 p.m., and, as I said, this is a remote meeting.

I'm going to start first, as I usually do, with a moment of silence to honor our troops who've died in service to our country and those serving our country in the Armed Forces.

And as I have for the past couple of meetings also to honor those who have died from the COVID virus and also those essential and frontline workers who are helping keeping us alive and functioning.

(Moment of silence.)

Speaker MCAULIFFE: Thank you.

Next will be the Pledge of Allegiance.

(Pledge of Allegiance.)

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

Remote Roll Call Attendance

Present (99.07%): Mary Chaffee (4.55% - Brewster), J. Terence Gallagher (2.30% - Eastham), Lilli-Ann Green - (1.27% - Wellfleet), Elizabeth Harder (5.67% - Harwich), Christopher Kanaga (2.73% - Orleans), James Killion (9.58% - Sandwich), E. Suzanne McAuliffe (11.02%-Yarmouth), Susan Moran (14.61% - Falmouth), Thomas O'Hara (6.49% - Mashpee), John Ohman (6.58% - Dennis), Brian O'Malley (1.36% - Provincetown), Randi Potash (2.84% - Chatham), Patrick Princi (20.92% - Barnstable), Linda Zuern (9.15% - Bourne).

Absent (0.93%): Deborah McCutcheon (0.93% - Truro).

Clerk O'CONNELL: Madam Speaker, you have a quorum with 99.07 percent of the Delegates present; 0.93 percent are absent.

Speaker MCAULIFFE: Thank you.

Approval of the Calendar of Business

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

Delegate GREEN: So moved.

Delegate O'HARA: Second.

Speaker MCAULIFFE: Any discussion? Okay. Another roll call vote for the approval of the Calendar of Business.

Remote Roll Call Vote to Approve Calendar of Business of 5/20/20

Voting “YES” (99.07%): Mary Chaffee (4.55% - Brewster), J. Terence Gallagher (2.30% - Eastham), Lilli-Ann Green - (1.27% - Wellfleet), Elizabeth Harder (5.67% - Harwich), Christopher Kanaga (2.73% - Orleans), James Killion (9.58% - Sandwich), E. Suzanne McAuliffe (11.02%-Yarmouth), Susan Moran (14.61% - Falmouth), Thomas O’Hara (6.49% - Mashpee), John Ohman (6.58% - Dennis), Brian O’Malley (1.36% - Provincetown), Randi Potash (2.84% - Chatham), Patrick Princi (20.92% - Barnstable), Linda Zuern (9.15% - Bourne).

Absent (0.93%): Deborah McCutcheon (0.93% - Truro).

Clerk O’CONNELL: Madam Speaker, the Calendar of Business is approved with 99.07 percent of the Delegates voting yes; 0.93 percent are absent.

Speaker MCAULIFFE: Thank you.

Approval of the Journal of Proceedings of 5/6/20

Speaker MCAULIFFE: The next item is approval of the Journal of May 6, 2020. Is there a motion to approve?

Delegate O’HARA: So moved.

Speaker MCAULIFFE: Is there a second?

Delegate HARDER: Second.

Speaker MCAULIFFE: Thank you. Any corrections? Okay. We’ll take a vote then, a roll call vote.

Remote Roll Call Vote to Approve the Journal of Proceedings of 5/6/20

Voting “YES” (99.07%): Mary Chaffee (4.55% - Brewster), J. Terence Gallagher (2.30% - Eastham), Lilli-Ann Green - (1.27% - Wellfleet), Elizabeth Harder (5.67% - Harwich), Christopher Kanaga (2.73% - Orleans), James Killion (9.58% - Sandwich), E. Suzanne McAuliffe (11.02%-Yarmouth), Susan Moran (14.61% - Falmouth), Thomas O’Hara (6.49% - Mashpee), John Ohman (6.58% - Dennis), Brian O’Malley (1.36% - Provincetown), Randi Potash (2.84% - Chatham), Patrick Princi (20.92% - Barnstable), Linda Zuern (9.15% - Bourne).

Absent (0.93%): Deborah McCutcheon (0.93% - Truro).

Clerk O’CONNELL: Madam Speaker, the Journal of Proceedings is approved with 99.07 percent of the Delegates voting yes; 0.93 percent are absent.

Speaker MCAULIFFE: Thank you.

Summary Communications from the Board of Regional Commissioners and County Administrator

- Commissioner Bergstrom updated the Assembly on the past two meetings of the Board of Regional Commissioners – 5/13/20 and 5/20/20.
- Commissioners received COVID-19 updates.
- Finalized an agreement with the New England Mountain Bike Association on a portion of Barnstable County property near the intersection of Route

132 and Phinney's Lane for a bicycle path.

- **Commissioners approved the creation of an Administrator/Business Manager position for the County Dredge system.**
- **Commissioners approved FY21 budgets ordinances previously adopted by the Assembly on 5/6/20.**
- **Commissioners approved Cape Cod Commission ordinance for amendments to Chapter A previously adopted by the Assembly on 5/6/20.**
- **Commissioners recognized Amanda DaCruz as the recipient of the Annual Malcolm McDowell Award.**
- **Commissioners authorized the verification of the Cape and Vineyard Electric Cooperative, Inc., as administrator of the County's photovoltaic projects.**
- **Commissioners discussed the impact on the Cape Cod economy related to the COVID-19 Pandemic.**
- **Assembly received a brief update from Jack Yunits and Christine Player regarding the status of the County Dredge and its business plan model under consideration.**
- **Assembly received a brief update from Jack Yunits and Elizabeth Braccia regarding actions and steps being taken by the County to make adjustments due to projected revenue shortfalls for FY20 and into FY21.**

Speaker MCAULIFFE: Next are communications and updates from the Board of Regional Commissioners and County Administrator. In that I've included a brief update on the status of the Dredge and the administrative plans to handle anticipated reductions in revenues. This will be a bigger agenda item in the future. Just we have a full meeting today, but I just did want a very brief update on those items because I know people are interested.

Welcome, Chairman Bergstrom.

Commissioner RONALD BERGSTROM: Thank you. Good afternoon.

Speaker MCAULIFFE: Good afternoon.

Commissioner RONALD BERGSTROM: We've had two meetings since I last spoke to you. I'll start quickly with the meeting of the 13th. It started off as usual with Sean O'Brien giving us an update on the COVID-19 conditions in Barnstable County. I won't go through his report because he had a follow-up report today which is probably more relevant.

We had some minor issues. We authorized an Act authorizing Michael Cheung to Purchase Credible Service from Barnstable County Retirement Board. That's an involved issue. I'm not going to get into it, but it has to do with people being able to purchase credible service after the 180-day period has passed. It's actually going to call, I think and we seem to agree, for a legislative remedy but we did act favorably in his case.

We finalized our agreement with the New England Mountain Bike Association on a portion of Barnstable County property near the intersection of Route 132 and Phinney's Lane for a bicycle path. I think Attorney Troy looked into that and said that it

didn't disadvantage the County in any way if we had a future use of the property.

We sent a letter of support to the Economic Development Committee.

We also had a discussion on the creation of an Administrator/Business Manager position for the County Dredge system. This is something that's been on the docket for quite a while. We're going to pull the trigger on this. Jack can probably give you more information on what we sent out for a proposal. But my understanding is the salary range is somewhere between \$120,000 and \$140,000. So we will see shortly what kind of talent, you know, human talent and human resources there are for that position.

We then went on and passed the FY21 Capital Budget, the FY21 County Operating Budget, the FY21 Operating Budget for the Cape Cod Commission and the FY21 Operating Budget for the Dredge Enterprise Fund. This went through us, from us to you and then back to us so that's done, put to bed for Fiscal Year 2021.

Then we did some housekeeping for the Cape Cod Commission to amend enabling regulations governing the review of Developments of Regional Impact to align it with the 2018 Regional Policy Plan. So that was the 13th.

Now, today, this morning, Sean gave us, once again, and update on the COVID-19 and it was an optimistic appraisal. We're down. The number of cases are down. The number of hospitalizations are down. It looks like the trend is favorable. We'll see. You know, we monitor, at least he monitors it almost day by day. So they'll be more information coming as the information comes in.

We recognized Amanda DaCruz as the recipient of the Annual Malcolm McDowell Award, and this is an award given to the Human Rights -- by the Human Rights Commission in Barnstable County to a high school student who shows extra effort in recognizing and working for Human Rights. So, I congratulated Amanda DaCruz.

We authorized the verification of the Cape and Vineyard Electric Cooperative, Inc., as administrator of the County's photovoltaic projects. We were assured by Liz Argo and, also, I don't know if Attorney Troy looked into this, but this is simply a housekeeping matter, didn't have much effect on the leases.

Then we went to "New Business." A couple of Dredge contracts, and work in Harwich. We discussed the economic impact of COVID-19 on Barnstable County's economy and, as you know, the Governor spoke on Monday giving businesses some release from the restrictions. Jack is on a panel that has been looking into how we can safely open up the Cape. It's a big issue. I'll let him follow up on it. But the rules are somewhat flexible. No one's quite sure exactly how they're going to roll out. There seems to be different procedures in different towns.

So in the next week or two, we are going to -- we are going to see how that works and, also, I think we're going to ask for some relief for hotels and B&Bs to accept customers because it's one thing for people to come down to the Cape but they have to have a place to stay. So, we'll see where we can go with that.

We had a discussion in regards to the economic impact on Barnstable County itself. And as I discussed with John Ohman just recently. Dave Murphy at the Registry said that the Registry has been holding its own, and though we expect to meet expectation for the month of May, which means we only have one more month in the fiscal year, so it looks like we're going to end the fiscal year perhaps not too far in the

black but at least not in the red. So the Registry has been one bright point in the whole rollout of the effects of the virus on our County.

So I'm going to look in here. Okay. And I think that's pretty much it. Do you guys have any questions? I'll be glad to entertain them.

Speaker MCAULIFFE: Thank you. Elizabeth.

Delegate HARDER: Thank you. You started to mention the Dredge in Harwich and then you --

Commissioner RONALD BERGSTROM: Yes, we had two -- we're ready to go to Harwich but we hadn't signed the contracts, but we have \$93,000 of dredge work in Allen Harbor and another 34,000 at Wychmere Harbor. So we'll be pumping sand, hopefully, within the next few days.

Delegate HARDER: Great. Thank you.

Speaker MCAULIFFE: Thank you. I see Commissioner Beaty. Did you have anything to add? All set? Oh, I'm sorry.

Commissioner RONALD BEATY: All set.

Speaker MCAULIFFE: All set. Okay. Jim Killion.

Delegate KILLION: Yes, thank you, Madam Speaker. Commissioner, good afternoon. You mentioned the agreement you signed with CVEC. Did you get into detail or I see Mr. Troy is on this meeting, maybe he could give us a quick overview seeing whereas we're going to be listening to some -- a presentation from them today?

Commissioner RONALD BERGSTROM: Is this question directed to me or --

Speaker MCAULIFFE: I think Jim Killion was wanting to know what was in the CVEC thing that you approved today, a quick overview.

Commissioner RONALD BERGSTROM: Well, I could let Liz or Jack talk about it but, basically, there was some oversight. It has to have someone appointed to oversee the project to make sure that it conforms with state regulations as to the maximum amount of renewable energy that a municipality or government agency can acquire. That's the best as I can explain to it. So CVEC itself performs that function; it's just an oversight function. So I guess it's --

Speaker MCAULIFFE: So it's appointing a -- not a clerk of the works but a regulatory officer.

Commissioner RONALD BERGSTROM: Right, but just in that one aspect if I'm -- I hope I'm not going beyond my expertise here, but just in that one aspect to make sure that we're not going over the maximum amount of renewable energy that we can produce. So is Liz there or Jack?

Commissioner RONALD BEATY: Yes, I can chime in on it because I remember. The limit that a town or a governmental entity, I guess, they can't put out more than 10 amps on, you know, they have ground-based photovoltaic installations, and so they have to register with the state on the computer who's representing our project and that's usually CVEC and we have -- that's what we had to do. We approved that today.

Exec. Dir. LIZ ARGO: If I could just correct Ron and say that it's megawatts.

Commissioner RONALD BEATY: Oh yes.

Exec. Dir. LIZ ARGO: I like the idea of amps.

Commissioner RONALD BEATY: That's why we've got you.

Exec. Dir. LIZ ARGO: Yes, so, it's called a Massachusetts System of Assurance. There is a regulation that nobody can install/develop more than 10 megawatts on their property, and this is registering each project in its capacity to make sure that it stays within the 10 megawatts.

Speaker MCAULIFFE: Okay. Anyone else have questions for Commissioner Bergstrom? Lilli-Ann.

Delegate GREEN: Thank you, Madam Speaker, and thank you for the report today. I don't know if anybody has the answer to this. But last time Mr. O'Brien was here and he confirmed what we were reading in the paper was there weren't as many tests out there for COVID-19 as one might imagine. And that the tests were mostly used for long-term care in nursing homes which they should be used for, but also the threshold for doctor's permissions was very high.

It seems like in the paper I've been reading in the last week that there is plenty of tests out there and you don't need a physician or a doctor's permission any longer. Can somebody speak to that, you know, as far as the County is concerned? We should know the answer to that.

Speaker MCAULIFFE: I'll put that on Jack unless Ron wants to handle that.

Commissioner RONALD BERGSTROM: No, Jack has the numbers there.

Speaker MCAULIFFE: Okay. And we also have just a quick update on the Dredge and the financial.

Commissioner RONALD BERGSTROM: Yes.

Speaker MCAULIFFE: I just wanted to make sure we got questions from the Commissioners covered?

Okay. Jim, one more question here.

Delegate KILLION: No, I just had a follow-up for Ron on that last question.

Speaker MCAULIFFE: Okay.

Delegate KILLION: Commissioner, are they charging for this service or is this voluntary?

Commissioner RONALD BERGSTROM: You know, that's a good question and it wasn't brought up at the meeting, so I'm going to have to pass that off to Jack or Liz.

Exec. Dir. LIZ ARGO: If I may?

Speaker MCAULIFFE: Do you have an answer?

Exec. Dir. LIZ ARGO: Sure. This is purely voluntary. This is part of what CVEC provides. Barnstable County's a member of the Cape & Vineyard Electric Cooperative. So, these are the kinds of services we provide.

Speaker MCAULIFFE: Thank you. Okay. Jack, can you answer the question about -- that Lilli-Ann raised about the testing?

Administrator JACK YUNITS: Yes. There are still limited testing down here. In various parts of the state and certainly in other states there's a lot more latitude and a lot more testing available. Where our goal is to work with the Governor to open it up so that anybody can be tested.

Mark Ells and I talked about this last week. It's important for a lot of managers, business managers and town managers, to know that the people they're bringing back in the building are not positive.

So, they would like the opportunity to test everybody that wants to be tested

before they reopen, and that's becoming more of a mission for us right now. But acquiring the test is still limited, and you still have to be symptomatic or have come in contact, as Sean said last week, with another person to be tested on Cape Cod. That could change quickly. It could change quickly and we're hoping it does.

Speaker MCAULIFFE: Yes, well, it will also depend on the kind of test too.

Administrator JACK YUNITS: That's right.

Speaker MCAULIFFE: Testing people coming into work, it has to be an immediate test, and I don't know how -- I don't know if there are any more immediate than four hours on the Cape right now. I think that's their quick test is four hours.

Administrator JACK YUNITS: You're a hundred percent right, Suzanne. That's the fastest test I've heard of. Most of our tests are still 24 hours.

Speaker MCAULIFFE: Yes, so in terms of coming back to work, as I said last time, it will come down to everybody making sure that they're protected, protecting, distancing, washing, sanitizing --

Administrator JACK YUNITS: Exactly.

Speaker MCAULIFFE: -- only is negative for the amount of that day.

Lilli-Ann.

Delegate GREEN: And as a follow-up to Jack, I understand that we're meeting via Zoom because the Governor has given us permission to do so, I hope that will continue. And I would hope that Jack and the committee would bring that forward as a request to the Governor to continue allowing us to meet on Zoom, both in the County and the various towns.

I mean our Board of Selectmen expressed yesterday in their weekly meeting about this COVID-19 situation that three out of the five said that they couldn't meet in person if that was the directive. And I know that the Clerk has said to us, you know, if the Governor's decree is still in action. So I'm asking if you'll pass that along. I know you're part of that Task Force opening up the Cape if you could pass that along to the Governor.

Speaker MCAULIFFE: Lilli-Ann, that's your personal request, not the request of the Assembly.

Delegate GREEN: Right. Exactly. Thank you.

Speaker MCAULIFFE: All right. Jack, can you just give us a quick thumbnail on what's the latest with the Dredge? We did hear about looking for the Administrator. And then also a quick thumbnail on what's going on with the County in terms of -- if there's a potential for furloughs of County employees?

Administrator JACK YUNITS: What I've done today is I've asked Christine to join me to talk briefly about the County situation. Christina Player, is our consultant from Foth, I wanted to introduce her to the Assembly and, hopefully, she'll be calling in. I don't know if she's on the list yet.

I think it would be very helpful and in response to some of Jim's questions at the last meeting to hear from Christine about the Business Plan, where we're going, and please note that Christine's been working for us now since last fall. There was a significant delay when we weren't sure what was going to happen to the Dredge when the Governor's orders first came out in March. So we suspended all activity and all spending on the dredge. So we asked Christine to stand down for a while.

In the interim, she had done a survey to every town and all the harbor masters which she's now working with to incorporate into the Business Plan. And with that, I'll turn it over to Christine and she can address that.

Ms. CHRISTINE PLAYER: Yes, thank you. Good afternoon, everyone.

Speaker MCAULIFFE: Good afternoon.

Ms. CHRISTINE PLAYER: So we are under contract now to continue to provide assistance to you folks at the County Dredge program and really to get our arms around situation and to dig into, you know, the challenges that the County is facing and to make improvements to those challenges.

We're putting together a five-year Business Plan, and part of that plan started with this 2020 Planning Survey that we distributed to all the towns to have them identify their needs for dredging volumes over the next five years. So we're putting together next year's schedule but we're also doing a look ahead for the next five years so we can really just see what that demand is, where it is, what kind of challenges may be faced because of pipeline lengths, booster needs, and things like that.

So that five-year plan, we're starting to dissect the data as we speak so that we can start moving forward for the immediate term for next year but also looking at a five year look ahead.

We're also going to be looking at getting a complete inventory of all the equipment that the County owns or is paying off, equipment needs, equipment conditions, you know, what kind of projected budgets are needed for repairs, for our annual supplies, really just trying to get our arms around the capital and maintenance costs so that that can be looked at.

We're also looking at labor needs. What other positions need to be filled. The goal being having the ability to run two dredges at the same time and that's going to require some staffing up for the actual physical dredge labor.

Right now, Jason Bevis is doing an amazing job as Superintendent but, you know, there's still some positions, the mechanic and also some other dredge crew positions that need to be filled to give that separation between the two dredges running independent of each other. So we'll be assisting the County on labor needs and what those costs are, again, trying to establish all of the investment that the County needs to make to be made so that we can help you guys, again, move forward and be profitable in regards to maintain a nonprofit status.

We're also going to be looking at safety. That's a very important thing in today's day and making sure that health and safety issues are being addressed and that the laborers are being protected. It's something that's part of every contract for the private industry so we will be putting together a safety plan.

And we're also going to be trying to define really the limitations of the County Dredge program so all the towns are aware, you know, what are the types of projects that work well with the County and there are some that just don't work well, such as I have to dredge Point A and pump to Point B but it's three miles away; I don't have enough pipeline; the booster doesn't have enough capacity. So we really want to help the towns understand what the County Dredge program can and cannot do. It's an important thing that needs to get out there. It needs to be clear to help these towns as well and help both sides of the equation.

And then, lastly, through developing and working through all of the scope that I described, the goal is to take all of this information and figure out what the fee structure really needs to be. I think we all agree right now the rates that are being charged are a bit short. So the ultimate goal is to just see all of the variables that contribute to the County being a breakeven operation so that we can come to some conclusion of what the rates do need to be understanding, you know, the goal is to be affordable and to continue to be economical to the towns that depend on the County Dredge program.

Speaker MCAULIFFE: Thank you. Sounds like a smart Business Plan.

Questions for Chris?

Jim Killion.

Delegate KILLION: Yes, thank you, Madam Speaker. Good afternoon, Christine. My understanding is you've been looking at the Dredge since last fall sometime. Would you give us a look from like about 30,000 feet and just tell us what you've seen?

Ms. CHRISTINE PLAYER: In terms of the successes or -- I guess I'm asking you what you're trying to have me share what I'm seeing?

Delegate KILLION: Correct. I mean the successes and the failures, what you see as probably the most immediate needs to address.

Ms. CHRISTINE PLAYER: I think the immediate need is to really -- the scope that I just described are all part of that immediate need is to really pull together, understanding all of these variables, so that we can better assess, you know, what the rates really do need to be. There are definitely some challenges with some of these projects depending on the size of the project. Some of these jobs have not as much volume so let's just say, for instance, we have a job that has 2,500 cubic yards but you're pumping it with the booster pump and you have, you know, say 7,000 linear feet of pipeline to set up. So one of the things I'm seeing is there's such little volume and that's what your fees are based on but it takes you more time to set up the pipeline and then disassemble the pipeline than it actually does to dredge, and that per cubic yard rate that you're charging really isn't capturing, you know, that set up and breakdown time that is associated with some of these projects that require longer distance pumping with very small volumes. That's definitely one thing I see.

We need to also really focus in on filling in the labor needs, being competitive. This industry is a very difficult industry to be successful in. I think if you talk to any private dredging contractor on there's a reason why there's not a thousand hydraulic dredging contractors around these days. It's a very difficult business. So finding folks that can help, you know, participate and contribute to the operations, it's hard to find people that are trained/qualified. And the competition with the private sector you're competing against union wages. So that's another thing that we've seen is how do we make these jobs appealing for people to be interested in applying for these positions and getting qualified and capable bodies out on those dredges and also maintaining them as employees.

Dredging, as you may know, is very limited to the window. It's not a full year that you get to dredge. Those dredge windows are all based on environmental factors and permit conditions. So as much as it seems like, you know, we've got all this dredging to do, you really only have a good six months to do that dredging and you're

competing against weather issues.

One thing we saw this year, incredible impacts by high winds. Something that I have never seen in the many years I've been working in this industry. Those high winds have contributed to probably loss of 35 percent of the productivity of the schedule just because the winds were in excess of 20 miles an hour which becomes problematic to operate the dredge, move the dredge, but also set pipeline, move pipeline. So the weather impacts have been extremely unusual this year.

And speaking with a lot of the private industry folks that we also work with, those impacts aren't exclusive to the hydraulic dredging operations of the County. They've also been problems for mechanical dredging operations and the equipment is so much bigger and it's spudded in plate like it's a different type of operation but to hear that the mechanical operations are also having problems with the high winds, the persistent high winds.

In talking with the Superintendent, I wanted to get a reality check; I had said to Jason, I said, "Is it my imagination or have you not been able to string more than two consecutive days of dredging together all year?" And he said, "No, it's not your imagination." Those winds have been extremely persistent and extremely problematic.

So those are kind of some of the quick thoughts I have on the challenges. But I'm confident -- I feel that the scope we've developed for this five-year plan is what really needs to be evaluated. I'm not sure of what the outcome is going to be in some regard, but they are the essential components to really figuring out how to move forward and not continue to spiral in some regard. There's a lot of moving parts to this.

Speaker MCAULIFFE: It sounds like you're on the right track with such a comprehensive plan. As I said, it really sounds like a very good business model to collect all your data and evaluate your -- what you can do and what you can't do. I think it's what the dredge has needed.

Ms. CHRISTINE PLAYER: Thank you.

Speaker MCAULIFFE: Thank you, so much, Christine.

Administrator JACK YUNITS: Madam Speaker, let me just give you one quick update on the schedule because I think it would help everybody feel a little more confident.

We'll finish Chatham probably by the end of this weekend. Then we move over to Harwich where we have two contracts and we'll be able to do those two jobs. The final job, which is Green Pond in Falmouth; we will get all those jobs done this year. So there will be only one job that we were contracted to do that we didn't get done this whole season.

So kudos to the guys despite the challenges that Christine described. And certainly thanks to Christine because she was an immense, immense help to us in getting the toys when we needed -- extensions when we needed them, working with the towns, and working with us to get them done or we wouldn't be where we are. Thanks, Christine.

Speaker MCAULIFFE: Thank you.

Ms. CHRISTINE PLAYER: You're welcome. Thank you, all.

Speaker MCAULIFFE: Now, Jack, just the five-minute thumbnail now that you and Elizabeth were going to give us on the status of the County in terms of what's going

to happen with the finances and employees and sort of a quick status update.

Administrator JACK YUNITS: Right. Elizabeth, do you want to take it from there? It's a little bit of a good news/bad news story as you would expect.

Speaker MCAULIFFE: As it is everywhere.

Administrator JACK YUNITS: Exactly, Madam Speaker.

Finance Director ELIZABETH BRACCIA: Hello, everybody. Thank you, so much, for inviting me to speak. Elizabeth Braccia, Finance Director, Barnstable County. I'm just going to give you a quick brief about our finances for Fiscal Year '20. We have put a hiring freeze on and spending freeze except for absolute necessities. With that, we're going to be turning some money back from our budget because we're not spending it. We will have a slight revenue deficit even though the Registry is coming in it looks like either breaking even or coming in a little bit above what we estimated. We did have other revenue estimates that didn't come to fruition, one being the Fire Academy for -- everybody knows the reasons for that with the PFOS and the cleanup and stuff. So that was about \$275,000 in estimated revenues to cover our budget that isn't coming in.

On the flipside of that, the Fire Academy hasn't spent a lot of money because they didn't have the Academy running, so they'll be turning some money back from their budget.

We are short in our Health Lab because we were closed for a little bit there. We're opening back up hoping we can gain some ground back there. I don't know what that's going to look like over the next month and a half to see what revenues pick up from there.

With all of that said, it doesn't look like we're going to be adding to our reserves but it doesn't look like we're going to be dipping into our reserves either. It looks like we'll be more on a breakeven for the end of the year.

Coming into '21, we plan to continue -- we're not going to spend any of the capital, albeit you guys did appropriate it and approve it. Thank you, very much, for that. We're holding onto that for the future and we'd like to see where our revenues go and how the economy's going.

We also are going to continue with the hiring freeze, and we are looking at other ways to cut future costs. We're talking about possibly not going with our steps, COLA, and increases come July 1. We will look at, you know, if we do put a hold on it looking later in the year to see if we have a pickup in revenues to see where we're at; we'll revisit it then. We don't have any plans right now for any furloughs although we have met and talked about it, and we have looked at how we would proceed. Our HR Director and I met and we did a webinar based on unemployment and since the County pays the unemployment, I think we pay like 66 percent of a person's salary, if we lay off one person, we're not really saving a whole lot of money. We'd have to lay off a slew like, you know, four or five people to save on one. So, I have to weigh all of that as well. And from what they explained to us, even a furlough, even if it's just for an hour, it's still going to cost the County some money. So, we have to be prudent with that.

One of the things we put in place is we were not allowing people to carry more than the allotted -- they're allowed to carry 10 days over vacation to the next year. We put a kibosh to anything over 10 days because that was like a hundred thousand dollars of liability in the event that we did have to have layoffs that would have to get paid out

as well. So when we do -- if we do anything, we have to consider all of those expenses that go with that.

So, we have been looking. We just haven't come up with a definitive plan because we don't know what the revenues are going to be. We've gotten good news from the Registry. It doesn't look like -- it does look like there's a possibility that the Cape will bounce back quicker in the summer than other areas, and we're just going to have to wait to see what happens.

I'll take any questions.

Speaker MCAULIFFE: Thank you. I just have a housekeeping thing. Jim Killion, did you get back into the meeting?

Delegate KILLION: Yes, I did. Thank you.

Speaker MCAULIFFE: Thank you. I just had one personal comment I wanted to state. Several years ago when we were under some financial consideration and there was talk of the cost-of-living increases, which I know are part of negotiations and union contracts and salary contracts, in terms of you can't just hold them. But I think given the financial situation of a majority of the Cape Cod populace, it might be worth considering if the County administration would just consider holding -- I mean we've done that and then given them retroactively. But I just think in terms of a perception --

Finance Director ELIZABETH BRACCIA: Yes.

Speaker MCAULIFFE: -- and a trying to participate in people who are struggling.

Finance Director ELIZABETH BRACCIA: Yes.

Speaker MCAULIFFE: You know, the County is very fortunate, and it is able to keep people; it is able to not furlough them but, you know, I think most of us know people who aren't in that situation --

Finance Director ELIZABETH BRACCIA: Exactly.

Speaker MCAULIFFE: -- you know, without paychecks.

Finance Director ELIZABETH BRACCIA: Right.

Speaker MCAULIFFE: So, I just think you might, in your administrative discussions, just think of the perceptions too.

Finance Director ELIZABETH BRACCIA: Yes, that's been a big part of that conversation.

I did forget to mention one thing that, you know, the County's unique in that we - - about 50 percent of our payroll is covered by grants as well. So the savings -- I don't want to say savings -- we won't be expending if we hold back on the increases - about a quarter million dollars.

So, you know, because, again, like I said, a lot of people are grant funded. It doesn't really save us anything there because we're not paying for that out of the taxes and Registry revenue.

Speaker MCAULIFFE: I think, in general, we're very fortunate between the assessments to the town, the Registry coming through in ways that we never imagined that it would, and then, as you said, our grants. So we are a little bit unique in terms of our revenues and the ability to keep people and not have to let them go.

So, I appreciate that and I think -- I didn't know if anyone else wanted to ask a question?

Speaker MCAULIFFE: Yes, Mary. I'm sorry.

Delegate CHAFFEE: Thank you, Madam Speaker. I have a question for the County Administrator. The County historically provides support to local Boards of Health in the summer, and we know that our boards are facing significantly increased workloads, and Brewster, as an example, has two public health professionals working.

Has the question been raised at the Reopening Task Force about perhaps increasing the capacity of the County to provide additional support this summer to local boards?

Administrator JACK YUNITS: Yes, it's been raised and it's been offered. In fact, next week we're bringing in three summer health officers that we always bring in anyway, but we're bringing them in three weeks early to get them out in the street.

We're also putting out an appeal to retired community members who have been employed in Boards of Health both here in the County and in the towns, and Sean has a plan with Erica to create a task -- not a task force, a response team that would go out to the towns as needed to help them. Because you're a hundred percent right, it's going to be a huge issue on the enforcement side the reaction to this going forward. It would help also too because we'll be setting aside some type of, hopefully, unified response in reaction to the reopening that transgresses town lines. So that trained Board of Health support will be a big, big asset to the community. We don't know how many we'll get. We know we have three already, but there will be more to come for sure.

Delegate CHAFFEE: Thank you, very much.

Speaker MCAULIFFE: Thank you.

Commissioner RONALD BERGSTROM: Suzanne, can you hear me?

Speaker MCAULIFFE: Yes; I'm going to go to Ron and then to Lilli-Ann.

Commissioner RONALD BERGSTROM: Yes, just quickly, you know, the step increases and the cost-of-living increases were included in the budget we just passed. So I would expect that if we were to eliminate those it would have to be through a decision by the Commissioners and the Assembly, you know.

Finance Director ELIZABETH BRACCIA: Correct.

Speaker MCAULIFFE: I was not saying eliminate at this point. I was saying holding --

Finance Director ELIZABETH BRACCIA: Yes.

Speaker MCAULIFFE: -- because in the past, I think when Commissioner Cakounes was here, we held it and it was given later on in the year when we knew what the financial status was. I was just thinking giving cost of living raises in a time when people have no incomes might -- might --

Commissioner RONALD BERGSTROM: Well, I agree with you. I just think that we should follow procedure and it should be done by the elected officials --

Speaker MCAULIFFE: Right.

Commissioner RONALD BERGSTROM: -- the Assembly.

Speaker MCAULIFFE: And that may be an administrative decision --

Finance Director ELIZABETH BRACCIA: Correct.

Speaker MCAULIFFE: -- or executive decision.

Administrator JACK YUNITS: It would be our intent to keep you involved in that, absolutely, --

Speaker MCAULIFFE: Yes.

Administrator JACK YUNITS: -- to actually file a financial plan with the Commissioners and then you at the Assembly. And I couldn't agree with you more on that, Madam Speaker. The public perception here has to be a factor we take into consideration as we move forward.

The one differential between the County and the towns is that we don't have the ability to raise revenues if the Registry goes south.

Speaker MCAULIFFE: Right.

Administrator JACK YUNITS: And that's why we're treading lightly on it.

Speaker MCAULIFFE: Right.

Administrator JACK YUNITS: Unlike the towns, they can raise revenues when things get better.

Speaker MCAULIFFE: Right.

Administrator JACK YUNITS: That's what happened to us in 2010.

Speaker MCAULIFFE: Right.

Administrator JACK YUNITS: So we have to be careful. But right now we're cautiously optimistic that this is not going to be like 2010 and 2009.

Speaker MCAULIFFE: Yes.

Administrator JACK YUNITS: The revenue is going to come in from the Registry; it's just going to come in slower.

Speaker MCAULIFFE: Great. Lilli-Ann.

Delegate GREEN: Thank you, Madam Speaker. I did want to ask a question since so many of the County employees are working remotely, you have to be looking at the finances in relation to that and in relation to even next fiscal year. Are there any thoughts about that at this point?

Finance Director ELIZABETH BRACCIA: Yes, Jack, do you want to take that or do you want me to go?

Administrator JACK YUNITS: Yes, that's a great question. I'll take the first part and then turn it back to Elizabeth.

Finance Director ELIZABETH BRACCIA: Okay.

Administrator JACK YUNITS: No, that's a great question. There's an economic upside to telecommuting, there really is, and we're studying that. We're tracking our utilities. We're tracking the fact that it's going to have an impact on our space needs certainly, studies going forward. If we can do this on a permanent basis and we can do it with good software tracking on the telecommuting end that it may be that we don't need all the offices that we have. Maybe everybody doesn't need a cave to go to. We can do it with alternate schedules so you're in two days next week and three the week following, and somebody else is at your desk when you're not there. And those are the kind of things we're looking at. That could be a huge cost savings for the County going forward.

And I do want to say, and Elizabeth can add to this, that there's been no slow down here in the County because of the kind of work we do. We're not at the counters working with customers necessarily. We're actually working off grants and projects and so on and so forth, right, Elizabeth?

Finance Director ELIZABETH BRACCIA: Yes.

Administrator JACK YUNITS: Do you want to take it from there?

Finance Director ELIZABETH BRACCIA: Yes, I talked about this a little this morning as well. Business, we haven't missed a beat, I mean other than we had to close the Lab briefly. People have been working and getting the grant projects done, billing the grants. We have teams meetings all the time. It's been very productive.

I can speak specifically to finance. We've been able to finish up some projects that we couldn't necessarily get to while we were here which has been helpful. I'm working with IT. Billy has provided for me some numbers on the upswing and usage of email teams, all of the technology that we have you can see that people are working.

And I'm putting together a proposal for agility workplace to bring forward at some point that does talk about all the savings. It's not just the savings for the County but it's the savings for everything. It's a greenhouse emissions; it's all of it that if we go to some semblance of a remote workforce, obviously, not everybody can work remotely all the time. There will be some positions that you can identify that are 100 percent, some are 90 percent, some are 50 percent, and we would put a lot of work into identifying all that and putting the appropriate tracking tools in place.

An investment in technology versus millions of dollars of investment in buildings may be the way that the County wants to go in the future so.

Speaker MCAULIFFE: I think that's a great question. I think that's what a lot of people are discovering, you know --

Finance Director ELIZABETH BRACCIA: Yes.

Speaker MCAULIFFE: -- that the new work world will be different than the old work world.

Finance Director ELIZABETH BRACCIA: Yes.

Speaker MCAULIFFE: And I know from personal experience I think the Clerk has never worked harder. So I think it was probably kind of a welcomed relief to -- because working from home and doing all that you have to do can be pretty involved.

So, yes, John.

Delegate OHMAN: Thank you, Madam Speaker. You know regarding the -- I'm glad to hear that the Health Department's got three new interns coming in, three new summer officers coming in. But the Boards of Health locally haven't been going out themselves because of the danger of COVID. Are they going to be allowed to go out and do site visits, or are they going to be trapped in the County Complex like everybody else?

I'm confused as to how effective they will be able to be unless the Governor loosens up the on-site visits that the Boards of Health need to do.

Administrator JACK YUNITS: That's a great question. It is part of the whole plan. Sean will be providing PPEs, obviously, so that anybody that has to go out there like he and Erica have been going out; Deidre Arvidson's been doing nursing work but you do it with PPEs. You make sure you have masks or guards, gloves, and you try to be careful. We'll have to look at that as it comes up though and find out what kind of inspections.

Generally speaking, when they go out to do a restaurant inspection, it's merely the restaurant owner and the Board of Health officer. So the risk there is minimal. You can easily safe distance during the inspections.

Speaker MCAULIFFE: Thank you. Yes, John.

Delegate OHMAN: I can speak for Brewster; the Board of Health in Brewster is not coming out to my restaurant because they don't feel it's safe to come out to my restaurant. So, I'm not sure that we can ask interns to come into that situation and take that place. I'm a bit confused on how that will work.

Administrator JACK YUNITS: That's a great point and I'll certainly take that up with Sean.

Speaker MCAULIFFE: All right. Yes, Brian. And I see you, Chris.

Delegate O'MALLEY: And I think in the context of that discussion, the fact that restaurant safety needs to be assessed, I mean, we have a higher than usual burden on the inspections for the restaurants because now there's the entire layers of safety, a health security that they're going to have. This is going to be a very compressed timeframe when they get into it, it seems to me, as restaurants reopen next month.

Administrator JACK YUNITS: I think what Chatham did the other night is a great example of how it can be done effectively. What Chatham did is they made their police -- they swore their police officers, the whole police department, in as Special Enforcement Officers for the Health Department. Not to arrest people but simply to help the Health Department get the word out with an advisory about safe distancing and so on and so forth. And we'll see how that works but more towns might want to go into that. It makes a lot -- especially when you start dealing with crowded beaches. It helps a lot. We've seen it in Dennis when Dennis went from being Gestapos to being really pleasurable beach monitors in three seasons. They did a great job last summer using the police on the beach.

Delegate O'MALLEY: Thank you.

Speaker MCAULIFFE: Chris, did you want to ask a question?

Delegate KANAGA: Yes, I just wanted to -- on this issue, I think it must be different in different towns because our health agents are out in Orleans and have been for a week or two at restaurants and at take-out facilities and everywhere. So I think the enforcement must be different in different towns.

But the other piece of this is, Jack, that I just wanted to put on the table, I think assuming that the towns have a way to increase revenue, I think there's been a lack of addressing the issue that the towns themselves are going to have large revenue shortfalls probably if this keeps up much longer because we've got all sorts of local taxes, short-term rentals which aren't even allowed. At least I found that in Orleans at a hearing last week our Selectmen were relying on making statements relying on that stream of income when everyone knows that there's zero income actually from that.

So I don't want to sort of make the mistake and I want to keep in the front of our minds that the lack -- that the shortage of revenue at government and service facilities is going to be universal. I mean we saw with Cape Cod Hospital layoffs, a furlough of 600 people a week ago. So, I think I would like to just put in oar in the water on the other side of the canoe that -- on the revenue issue so.

Administrator JACK YUNITS: Oh no. You're so right about that, Chris. What the towns have been telling us is they expect the minimum impact of about 30 percent to their revenue line items. And the state, itself, is in the 20 percent with that \$6 billion deficit they're currently facing right now. So there's not going to be a lot of places to look for help. I think we're all going to have to row harder in the next year unless the

Feds come through and that's starting to look dubious so.

Speaker MCAULIFFE: And even if they do, it usually doesn't make you whole.

Administrator JACK YUNITS: No. It never will, right.

Speaker MCAULIFFE: It's just a Band-Aid.

Administrator JACK YUNITS: Yes.

Speaker MCAULIFFE: That's a good point, Chris. This has not -- we can't think this is settled anytime soon.

Delegate KANAGA: Yeah.

Speaker MCAULIFFE: Okay. If everyone's had their questions answered, I want to thank Elizabeth and Jack and Ron and Ron.

Presentation by Cape & Vineyard Electric Cooperative Executive Director Liz Argo

Speaker MCAULIFFE: And I want to move on to our next item which is a presentation by the Cape & Vineyard Electric Cooperative and this is by the Executive Director Liz Argo. She was on before answering questions. She has a PowerPoint. We did get the PowerPoint emailed to us so people might have their own copies or have something that they can watch as well.

And I did want to, at the beginning of the meeting, I did say when we posted the intent was to have Public Hearings on seven Ordinances, which were seven leases. There was a date error in the posting so those will be reposted for June 3 but we will still go ahead with presentation, discussion, comments. And I think that the vote was to -- the plan was to vote on the 3rd anyways, so this really hasn't cost us time, and I want to make sure that we do our due diligence on these.

Liz, thank you, very much. We have a PowerPoint from you. Are you going to be putting up a PowerPoint or should we follow on our own?

Exec. Dir. LIZ ARGO: No. I think host disabled attendees screen sharing so. I can share my screen but I think somebody may --

Mr. IAN ROBERTS: All right. Go ahead and try, Liz.

Exec. Dir. LIZ ARGO: All right.

Speaker MCAULIFFE: We've never done a PowerPoint on this particular Zoom meeting platform but there we go. Let's see.

Exec. Dir. LIZ ARGO: We'll see if it works.

Speaker MCAULIFFE: Okay.

Exec. Dir. LIZ ARGO: I have a spinning Microsoft clock.

Speaker MCAULIFFE: And there it is.

Exec. Dir. LIZ ARGO: Let's see if we can go into it.

Speaker MCAULIFFE: I have your PowerPoint in front of me.

Exec. Dir. LIZ ARGO: Good. So, Liz Argo, Executive Director of the Cape and Vineyard Electric Cooperative. Good. So a quick background run; we have "Rounds" that we put together which are essentially bundling projects and posting them in Request For Proposals. And what we achieve through that is great market attention and central contracting and the ability to cut down on legal costs tremendously.

Our first Round was what we call CVEC-7. It was a small but seemed really big

at the time; now we realize it's relatively small but that was 750 kilowatts on mostly schools. So Stony Brook, Bourne Middle School, various schools, Monomoy -- East Harwich Elementary but on various schools across the Cape.

And then Round 1 was the landfills. So almost everybody is aware of the landfills that are -- we've done almost all the landfills on the Cape and Martha's Vineyard.

Round 2, 12 megawatts was a lot of roofs and public lands. The Dennis-Yarmouth Public School played a big role in that.

Round 3 has just gone live last December. It went live. That's seven roofs.

And now Round 4 is under construction, that's 11 megawatts and they began those roofs, solar canopies which was new to what we were installing previously. Another capped landfill in Round 4 and these were with storage which is new to CVEC.

I want to note that Barnstable County is already is a member of the Cape & Vineyard Electric Cooperative. Benefits from those projects that I've just sort of given you a quick glimpse into; we send you net metering credits and that provides you savings on your electric bills, and this is the rundown of what you saved. Some of it comes to you in the form of cash. It is still virtually savings on your electric bills, but the utility in some cases chooses to cash out those allocated net metering credits and then you get a check which we send on to you.

So as you can see, it's gradually grown year by year starting in Fiscal Year 2016, and the total for the four years running up through FY19 and, of course, we're just about ready to add FY20 as we close out this year, is 191,000.

So in 2019, Barnstable County asked CVEC to include Barnstable County facilities in our next RFP, which we did. We posted the Round 5 RFP in last fall. We had 20 PV and storage projects for nine school districts, towns in Barnstable County.

Out of six developers, we had four developers that were selected, and they were selected by the various selection committees that were put together by the participants. So, for instance, on your part on the part of Barnstable County, Don Reynolds played that role. And I would also note that he's been working with us continuously from inception through all of this because he's the one who's identified the facilities. And Jack, of course, has also been very involved; Jack Yunits. So the County is our partner in this.

At the end from Round 5, we had seven projects that we awarded. Four of those systems will include battery storage.

So we're here to discuss contracting and getting those projects into construction mode. We have Round 5 completing its contracting. We have most of our towns have completed it, and we're hoping that the County will also move into signing those contracts so we can keep the ball rolling.

So this is to dig down into what the projects are. The seven proposed Round 5 projects for the County are listed. I'll go over each one of them.

The first one is the Lab building. It's going to be a parking lot that will have a solar canopy over the parking lot next to the Lab. And as we go into this presentation further, each of these projects you'll get a view of where that canopy would be and so on.

In this case for the Lab, the photovoltaics on the solar canopy will power the

building itself avoiding electric cost. There will be a battery so we'll have resilience being added so in the case of an event, power outage, the battery kicks in and works in conjunction with your generators. The size of that is the middle column, and that's the size of this is 364,448 kilowatt hours to be produced annually. And just to give you some kind of understanding of what that means, the typical home uses 10,000 kilowatt hours annually. So you can see it's magnitude's larger, which is appropriate for the larger electric usage there.

The Deeds and Registry building will have a roof-mounted solar system, again with a battery, and its power is about 79,000 kilowatt hours annually. Again, that will power the building and the battery will add resilience.

The First District Courthouse is different. It's about 83,000 kilowatt hours, but this will be a lease that's paid to the County. That's the best arrangement for the County because the state pays the electric bill. So if we put solar and try to use the solar power to offset electric payments, the state would be the beneficiary. So for that reason, the option -- the better option for the County is to have the developer develop the site and pay the County for using the site. So it's a flat lease payment which we'll get into as we get further down into the presentation.

The Orleans Courthouse is actually two projects. There will be a roof-mounted solar project and a canopy over the parking lot. That's a larger project, 244,000 kilowatt hours produced annually. And, again, because the state pays the electric bill for the Orleans Courthouse, a lease payment is the better option for the County.

The County Farm we looked at options on the farm grounds, and we have an agricultural -- it's called dual-use option that we're bringing forward. That would be a ground mount that has agricultural -- is growing either hay or straw underneath the solar panels and that would have a battery as well. That's a very large project as you can see; we're talking over 7 million kilowatt hours annually. So it's quite the large installation. It would be a lease payment in this situation as well because not because the state pays this electric bill but we don't have a facility with an electric bill that we have close enough in proximity to plug-in this solar power.

The last project that is on the sheet here is the Main Campus parking lot out in front of where you all are meeting. That would get a solar canopy and, again, we would have a battery for storage, the amount of kilowatt, the amount of power would be over 1 million, and it's interesting because that's just under what Barnstable County's usage per year is. So that kind of, again, gives you an idea of what we're talking about when we talk sizes.

Now this project, because it looks to be over 1 megawatt in size, it could have powered buildings but the alternative that is better for the County is to accept the cash-out payment that Eversource will most likely opt for and that would be paid directly to the County. And just to be clear, there are other Barnstable County facility roofs but they need repair before they can support PV. So we've worked very closely with Don to identify what can be done.

Madam Speaker, I'm going to carry on unless there are questions.

Speaker MCAULIFFE: No.

Exec. Dir. LIZ ARGO: Is that the plan?

Speaker MCAULIFFE: Yes, yes. And if someone -- do you want to finish and

then we can take questions? I think because I don't have a full-screen to identify people; they'd have to be shouting out. So why don't we finish this and then make note of the questions.

Exec. Dir. LIZ ARGO: Sounds good. So this is the first of the seven projects. This is a solar canopy, as mentioned. Now this is, obviously, a what it might look like. I don't want people to assume that this is a simulation; it is not. It's the kind of installation that the construction company that will provide this canopy, this is typical of what they do. And, as I mentioned, it's going to have batteries. It will feed power to the Lab Facility and as discussed, this is a third-party ownership situation.

The third-party ownership situations are what make a lot of these projects go forward because the capital outlay that would be normally required if Barnstable wanted to own this and build it, it's substantial capital so the solution has been that we bring in the third-party owners also because they have the tax appetite and the tax benefits are significant to being able to build these. So with a commercial entity as the third-party owner, they get the tax incentive and pass on that savings to us, to the County.

The annual electric cost savings are estimated to be about \$25,000 and that would be after paying, that's the net after paying the cost to the developer for building and maintaining the project. And there's a slight CVEC Adder, what we call an Adder, for about three quarters of a penny per kilowatt hour, and that keeps CVEC in as your representative and your liaison when we deal with the developers, with Eversource, and dealing with the tax part of it too.

Now all of these revenues, the caveat or the note down there, we are waiting to see where we end up the state's incentive program, so that will affect these cost savings that I'm quoting. As well as once we get the interconnection applications into Eversource, the utility, where there are extensive or substantial costs for interconnecting or upgrading the grid to take on the power. There's a formula in the contracts that will allow us to look at added costs which would then decrease. Your lease or increase with PPA in this situation and we'll look and decide if it's worth going forward at that point or not. That just gives you the footprint. That's certainly no simulation but it shows you where it would sit out next to the Lab building.

The second project, the Deeds building. It's a smaller project, 66 kilowatts although I have 7 kilowatts on my roof so you can, again, see that it's substantially bigger than a homegrown solar installation. It, again, would feed power directly to the Deeds building and the cost-saving here are almost 10,000. Same situation, there is an Adder and a cost to the developer. The savings over 20 years amounts to about \$167,000, same caveat applies here. We have to wait and see where we end up in the incentive program and if there are going to be upgrade costs from Eversource. That shows you the -- in the blue outline is where the solar panels would lay on top of the rubber roof on top of the Deeds building.

Project 3, First District, that's 75 kilowatts. Again, my home installation is seven kilowatts. So that gives you the picture of the size. This is one of the first ones which we recommend to lease because the direct payment to the County for using the land or using the roof in this case is the better option for the County. So there would be a third-party owner and the payment here would be 4,200 -- I think there's an extra zero in there. I've never seen that number before, but it's \$4,245 and the saving over the 20

years would be \$85,000.

That gives you the layout. Again, part of that roof needs repair which is why the design is confined to the roof that can actually take it at this point.

Project 4 and 5 are the Orleans roof and the Orleans canopy, 100 kilowatts on the roof and 100 kilowatts on the parking lot. Again, this would be a lease. It's better to just take a rent payment for using the roof and the parking lot space. The annual payment is \$18,200 for both of these projects, and the total over 20 years is \$364,000. That shows you the layout. As you can see, the parking lot that's being used is the one that you hit when you first come into the Orleans Courthouse site and the roof would be used as well.

Projects 6, the County Farm Agricultural Dual-Use Ground Mount. That, as I mentioned, is large. I would talk kilowatt hours when I first brought it to you. Here we're breaking it into its Nameplate Rating, which is just about 6,000 kilowatts, which is equivalent to 6 megawatts. And, again, it would be a lease project with the payment going directly to the County. That payment is pegged at \$455,000. There might be additional potential battery energy capacity that can be turned into revenue but that very much needs to be determined.

Agricultural use would go on underneath the solar panels and there's an incentive that the state created which is partially why this is attractive to both you and the developer, and the revenue over 20 years here is just over 9 million.

That shows you -- I'll linger on this one a bit. As you can see, this is very well separated from residential areas, and we are leaving much of the County Farm is left untouched.

Project 7, this is the last project. These are the Main Parking Lot solar canopy; the picture of what it might look like, again, can't be taken as a simulation. The company that would build this, the hardware, which is called RBI, this is typical of what they provide. It would send power via virtual net metering credits to various off-takers. It would not plug into a building in this case. And as we mentioned, we're looking to get a cash out from Eversource, and there would be an annual net metering credit savings of just about \$92,000 after you take out the cost of the developer and the small CVEC Adder of three quarters of a penny. And that cash to the County over 20 years is under - is just over 2.5 million.

And that gives you the visual of where the canopies would sit. And as you can see, there are three rows of parking on the upper deck, if you will, of the County parking lot, and then there's the parking lot that is down below by the Cape Cod Commission, and it would also have a solar canopy.

This is -- getting to the summary of the seven CVEC projects; the benefits, the estimated total electric savings for year one, first column, first row, 126,000 for all of those projects. That's electric savings, the ones that would be plugged into the buildings. The rent would be 473,450. And so the total of the rent and the electric savings are for the first -- per year is 600,000.

Over 20 years, simple math, there is some escalation so, actually, this is conservative. Three million for the electric savings. Rent paid would amount to just about 9.5 million and that totals to almost 13 million over 20 years.

The costs; there have been costs ongoing and this is the way all the towns

approach it with CVEC because they share all of the development costs. There are legal costs in CVEC's management in terms of posting the RFP, advertising it, and conducting a selection project, conducting the negotiations with the various developers, and now here we are in the contracting which is what CVEC is, again, taking the lead on to help connect with your lawyers with our lawyers. So if there's anything that needs to be reviewed, it can be done. The costs per project to date is \$3,000. The total for the six projects, and although we have seven projects in Barnstable, we're using -- we're considering Orleans roof and canopy as one so we're getting a little discount there. It has been \$20,000.

And I would also take this time to note that these contracts are what we used for Round 4, you know, all of our projects essentially, they have been vetted by various town counsels. Kopelman Page has most recently worked with us; Matt Fearer at Kopelman & Paige. And so while we have -- CVEC has its own legal counsel, the towns have already in various previous rounds brought on their town counsels to review these contracts. So there's been lots of eyes on these contracts.

And the timeline, we are working -- some of our projects and going forward. We have entered all of the projects that we've already contracted for into what's called the SMART Program, which is the state incentive program. We have to hold off because we don't have contracts yet with the County but getting them into SMART is key.

The smaller projects we hope to see start in the winter as we get through this summer and get into next winter. Once we start the small projects and there's multiple contractors so they're all working on their own timelines, the installation is very quick. We often have to wait, as you see down below, Eversource, A., can very much skew us with its time that it takes to approve interconnections and for scheduling any of its interconnection work. So this is all very dependent on Eversource.

Orleans has its own kind of timeline. We hope to start it in the spring of 2021, and we're figuring it could take a month and a half to get Orleans and the solar canopy built. Again, we would not have any control over Eversource.

The Main Parking Lot, hope to start that in the winter of 2021 and that could take up to two months.

And, last, the Farm Dual-Use Agricultural Ground Mount, that would start in -- and it's covered for me so I'm not even sure what it says but I think it's 2023, and it would take two and a half months for that barring any holdups from Eversource.

And that, I believe, is the end of my presentation. So I'm here for questions.

Speaker MCAULIFFE: Great. Thank you. Let me see if I can go back to --

Exec. Dir. LIZ ARGO: Do you need me to go back to a slide?

Speaker MCAULIFFE: No, I'm trying to get back to --

Exec. Dir. LIZ ARGO: Oh, I would have -- I think I have to stop share. Do you want me to do that?

Speaker MCAULIFFE: Are you done with the PowerPoint?

Exec. Dir. LIZ ARGO: Yes, because you have it in front of you.

Speaker MCAULIFFE: People have their own copies too if they have questions. Thank you.

Exec. Dir. LIZ ARGO: All right. There we go. Stop sharing.

Speaker MCAULIFFE: Liz, thank you, very much. This was a great synopsis and great information. Yes, Brian.

Delegate O'MALLEY: Thank you, Madam Speaker. So, Liz, this was a fabulous presentation and I appreciate it. We did have a chance to review it earlier and I think it's looking good.

Clearly, there are substantial financial advantages to us over the next decade or two to this. But I want to remind everyone that part of the impetus for this project was to push Barnstable County into a model of reducing our carbon output.

So my question, Liz, is what can you tell us about what our current use is; what our current electric consumption is now; what would be. What does that mean in terms of our overall carbon footprint? What kind of estimations do we have on that savings?

Exec. Dir. LIZ ARGO: Sure. So Barnstable County's usage, as I pointed out in one of the slides, is not even equivalent to what we would be installing on the parking lot. So in terms of reducing your carbon footprint, you are effectively reducing all of Barnstable County's usage. So part of what CVEC would need to do is find off-takers for some of that power.

They're also, by getting involved with the leases, you're -- we're sending the power to the grid; we're sending clean renewable energy into the grid, and you're being paid for that by the developer. So you are very proactive if you can go forward with all of these projects and not only reduce your carbon footprint but reducing your neighbors' carbon footprint.

Delegate O'MALLEY: Thank you, so much.

Speaker MCAULIFFE: Thank you. Yes, John Ohman.

Delegate OHMAN: Thank you, Madam Speaker. That was a great presentation. I'm especially impressed with the way you're dealing with the Farm because Germany's been doing that for about 15 years now. They've been paying farmers to put solar on, guarantee money from it, and guarantee that their cattle can graze underneath or their sheep can graze underneath it. So congratulation on that. I think it's just so forward thinking and, hopefully, as Doc was saying, it's a model for the rest of the County to start doing things like that. It's just brilliant.

Exec. Dir. LIZ ARGO: I would also let you know that we have one of our developers who cares enough about all of this to actually be on the call.

Delegate OHMAN: Oh, that's great.

Exec. Dir. LIZ ARGO: And he is, yeah, distributed solar development. They're the ones who are going to be doing it at the Farm.

Delegate OHMAN: So, and you also answered that Eversource is several of the hoops that we have to go through because they're not very kind sometimes to these kinds of projects no matter what they say and on one side of the coin.

Have you had to have discussions with the Barnstable County Conservation Commission regarding the farm?

Exec. Dir. LIZ ARGO: Yes, so I think it's Mark Robinson that we spoke --

Delegate OHMAN: No, he's the cons -- he's the regional guy.

Exec. Dir. LIZ ARGO: Oh, okay.

Delegate OHMAN: He might be with Barnstable as well, but he's --

Exec. Dir. LIZ ARGO: Right. That's the only person that we've spoken to. In

terms of ownership and deed bounds and restrictions?

Delegate OHMAN: Right, restrictions. They have --

Exec. Dir. LIZ ARGO: Yes.

Delegate OHMAN: I think they have some restrictions, ability to restrict.

Exec. Dir. LIZ ARGO: And that's who I spoke to on that, and this was the area that, frankly, they found clear, and I think all of the other, actually, farm areas do have restrictions.

Delegate OHMAN: Okay. That's number two and just a couple more. So the lease -- when you leased them out, essentially the companies paid for the installation and the maintenance of those and we just get a check for it.

Exec. Dir. LIZ ARGO: That's right.

Delegate OHMAN: Yes, and I think that's really a smart idea because that way we'd stay clear of the state and those restrictions too.

And one last thing, so somebody's on the line. Are there U.S. companies that are building these solar panels?

Exec. Dir. LIZ ARGO: No. There are no American-made solar panels. At one time even there was a company called, "Evergreen." A lot of people raced to invest in Evergreen and even they were not actually -- all of the pieces that they then assembled came from China.

Delegate OHMAN: Companies themselves?

Exec. Dir. LIZ ARGO: The installation companies are all local, yeah. They're all -- sure. They're Connecticut, Massachusetts, New York; I think DSD when I call him it's a New York phone number but, yeah, they're all New England even, not only.

And I would also let you know that one of the efforts that Cape and Vineyard Electric Cooperative makes very, very -- we try really hard to keep our local installers involved, and whenever we advertise with Request For Proposals, they get their invitation. And it's unfortunate but it's a different model, the local installers are operating in a different -- these bigger installers don't want the roofs to do either, and yet the locals installers that's their bread and butter. So, you know, you've got to find the right installation company that's suited for these projects.

Speaker MCAULIFFE: Yes, Lilli-Ann.

Delegate GREEN: Thank you, Madam Speaker, and thank you for the presentation, Liz. I do have a number of very minor questions, and I wanted to ask the lease payments the County were identified; what is the CVEC payment for each one of those projects?

Exec. Dir. LIZ ARGO: There is a sliding scale that is basically -- for the bigger projects, it's a higher payment to CVEC; for the smaller projects, it's a lower payment to CVEC, and I can give you each one if you want.

Delegate GREEN: Yeah, I mean and also you gave us the percentage of your Adder but you didn't give us a total for each project. I mean that would be interesting, you know, just for information sake to have that information.

Exec. Dir. LIZ ARGO: Sure. I don't think -- should I take the time to calculate it now or shall I just send it to her?

Speaker MCAULIFFE: No, but if you could get that to us because this is on our next agenda and there may be questions here today, frankly, that you need to, you know,

kind of respond to -- not at this meeting, you just don't have the information.

Delegate GREEN: And as far as the legal costs were concerned, the 20,000, now is that what -- the bill to Barnstable County or? I mean, the way it was worded in the presentation, I wasn't clear --

Exec. Dir. LIZ ARGO: Right.

Delegate GREEN: -- exactly what that 20,000 -- 20,695 was. Is that Barnstable County's cost --

Exec. Dir. LIZ ARGO: Yes.

Delegate GREEN: -- or CVEC's cost? Okay.

Exec. Dir. LIZ ARGO: Yes.

Delegate GREEN: It's the bill to Barnstable County for the legal cost.

Exec. Dir. LIZ ARGO: Yes.

Delegate GREEN: Okay.

Exec. Dir. LIZ ARGO: (Indiscernible) and yes.

Delegate GREEN: Okay. And as far as Old Kings Highway and the project for the Main Campus canopies have (Indiscernible) discussion. Okay.

Exec. Dir. LIZ ARGO: We can't start those kinds of permitting and discussions until -- because it's going to involve contractors' time and money. So contracts have to happen before we can engage with Old Kings Highway.

Delegate GREEN: And so if Old Kings Highway denies it, then the project is just denied.

Exec. Dir. LIZ ARGO: Scraped.

Delegate GREEN: Okay. And then the other minor question I have which I'm sure that you've conducted due diligence as well as the County has, but we haven't heard definitively are all of the roofs okay for the next 15-20 years? And, also, the parking lots, are they in good enough condition so that they don't have to be resurfaced or are they designed properly?

I know we've been talking about a space issue at the County as far as parking spaces. I mean have we determined that they're all in good condition so the solar panels can go expeditiously in these areas?

Exec. Dir. LIZ ARGO: Yes. So that's part of the pre-RFP development process, and Don is the party that was basically doing the vetting of whether the roofs were old or too old to be included and it did exclude quite a few of them for that reason and even parts of some for that reason.

So, yes, that's been reviewed. Also, the developers themselves do structural engineering to make sure that the building, the supports themselves are going to be enough to -- it's not so much the weight of the solar panels; it's what's called wind loading, so the upward draft when you have a high wind. So that is part of their process once you contract. They can't, for obvious reasons, send engineers until they have a contract.

And then the parking lot, it was discussed and the decision was that it's go ahead. So that would be something that I think if you have concerns or questions, you need to bring back to Donny and perhaps Jack, Jack Yunits; Don Reynolds and Jack Yunits.

I would note that repairs will always be able to be done even with the solar canopy in place. It's not like you now lose the ability to manage and maintain the

parking lot. If you were going to redesign your parking lot, that would something -- is something you would want to do before putting in solar canopies.

Delegate GREEN: Exactly. And as far as snowplowing is concerned and these solar canopies, do you have any information about that?

Exec. Dir. LIZ ARGO: Sure. They're all 14 feet minimally in terms of height and the reason for that is so that the snowplows can function underneath them.

Speaker MCAULIFFE: Ron.

Exec. Dir. LIZ ARGO: Of course, they prevent some of the snow, that's part of it. The snow melts off and they have systems too; it's called snow maintenance systems to help with the runoff and get it where it's supposed to go.

Delegate GREEN: Okay. And because I do want to put this on the record, you did make some derogatory comments about the Assembly at the Commissioners' meeting and I think that was inappropriate.

Exec. Dir. LIZ ARGO: And I have no idea what you're talking about.

Delegate GREEN: Huh.

Speaker MCAULIFFE: Okay. Well let's not --

Delegate GREEN: I'm not getting into it but I just --

Speaker MCAULIFFE: -- get into derogatory comments right now.

Delegate GREEN: (Indiscernible).

Speaker MCAULIFFE: Linda.

Delegate ZUERN: Thank you, Madam Speaker. I have a few questions. First of all, after the 20 years, what happens to the solar panels? Who takes care of them and where do they go? Can they be recycled? I've heard they are very toxic. So what happens to them?

Exec. Dir. LIZ ARGO: So the 20-year life -- they have life well after the 20 years. Efficiencies are going up so your solar panels of the future -- these will probably be 350 watts; your solar panels in the future may be 500 watts. But a 350-watt solar panel will still -- quite functional.

I love to tell the story of Jimmy Carter who put solar panels behind the Newbury High School in the 60s when he was President, and when I started doing solar development in 2000, one of the -- it was being restored. So those solar panels were well past their 20-year mark and they're still there; they're still going strong.

So you have the option of removing them and replacing them. It would be a financial review at that point. Is there something so much more efficient that you want to replace your operating solar panels with something because you can make more money that way. So those are the kinds of questions you deal with in 20 years.

Now the toxicity is a concern. So there's a lot of effort being put into right now to figure out how to recycle solar panels but, frankly, nobody is recycling solar panels because they're still viable. They're not in retirement. We haven't had any solar panels that have been retired to any great degree.

Delegate ZUERN: So what would happen to them after they start retiring? What do you do with them?

Exec. Dir. LIZ ARGO: Sometime -- well, the market is talking about either, A., you can sell them to another -- to -- for -- if there's an opportunity where people don't have the kind of capital where they can afford a big, shiny, new, very efficient solar

panel, there's a second market for these solar panels which are still efficient in providing power.

If a solar panel is no longer functional and it needs to be basically destroyed, then there are companies that are pulling all of the materials out of the solar panel in order to, A., keep it out of landfills and so on and, also, there's markets for the materials.

Delegate ZUERN: Then I have a question about a fire; I've heard that if there's a fire in a house or a building that it's almost impossible for firefighters to go inside because there are solar panels on the roof; is that true?

Exec. Dir. LIZ ARGO: They generally -- they have to know where the solar panels are. And I'm not a firefighter, I think you all knew that, but, generally, the rule of thumb with the solar panels is they need to know where they are so that they can get into the roof without cutting through the solar panels. So but, yes, solar panels and firefighters, it's not new to firefighters anymore and they are well equipped to fight fires with solar panels on roofs at this point.

Delegate ZUERN: And then I have a question about bankruptcy that was mentioned. Who takes care of the solar panels if there's a bankruptcy?

Exec. Dir. LIZ ARGO: So, for instance, the developer who owns it goes into default/bankruptcy and then there's a default --

Delegate ZUERN: Or the company?

Exec. Dir. LIZ ARGO: -- the owner, yes.

Delegate ZUERN: Okay.

Exec. Dir. LIZ ARGO: Yeah, so then or in the contract there are options for termination that would allow step in. So you claim default and like any good contract you go to court and see what you can resurrect from either the deal, give them an option to make it right, and if they don't then there's termination.

And in the end, CVEC is the first owner of a project and then the town has the second option. But CVEC is in every case just the manager. We're just better equipped than the towns to take care of it at this point.

Delegate ZUERN: And I have a question about Eversource, and I really don't care about the carbon footprint at all. I think carbon level is very low the way it is, and I've been told that because we're using solar panels and wind turbines, the electric bill is actually increasing to support renewable energy. Is that true as well as -- is that why our electric bills from Eversource are about doubled now?

Exec. Dir. LIZ ARGO: I don't think I'm qualified to speak on that. I would say that the electric bills have always been high. I don't think -- we've always had a very high electric cost in New England.

Speaker MCAULIFFE: I'm not sure how that --

Exec. Dir. LIZ ARGO: But I think you're sort of going out of my area of expertise.

Speaker MCAULIFFE: Linda, I take your point but I think this is specific to this project, and I'm not sure that this project would, you know, I think this project demonstrates that it is a savings to the County on the electric bill.

Delegate ZUERN: Okay. Thank you.

Speaker MCAULIFFE: Lilli-Ann, I just want to see if there's anyone else. Did anyone else want to -- yes, Mary Chaffee.

Delegate CHAFFEE: Thank you, Madam Speaker. Liz, thank you for the presentation for walking through each of those projects and explaining to us the benefits and the costs. A question I have for you is about the timeline; can you remind us about if the County does want to move forward on this what the benefit of moving along expeditiously is and what's at risk if we don't?

Exec. Dir. LIZ ARGO: Sure. So the incentive program that the state developed is called SMART, and it launched not this last December -- yes, this last December and there was -- because the market has been stalled without any incentive program, there was a mad rush to develop and, I think, right or wrong the state has decided that this incentive program needs to be first come, first served. And it's been developed so that when at capacity for the best incentive is reached, i.e., this may kilowatts is allocated for this kind of incentive, when that capacity is reached, you drop down and your incentive is almost a whole penny less per kilowatt hour.

So it is in your best interests to work as effectively, as efficiently as you can to get your projects into the state's incentive program review process, and you can't do that without contracting, permitting, Eversource Interconnection Agreement, all your ducks need to be in a row and then you can put your project into the SMART program for approval. And it's just a race to the finish line on all of the development that's going forward in Massachusetts is anxious to get the best possible incentive, so it's being overrun to some degree.

Speaker MCAULIFFE: Thank you. Just a sec, Lilli-Ann. Okay. Lilli-Ann, why don't you go ahead and then we'll see if there's anyone else.

Delegate GREEN: Thank you. I was just going to ask the County, whether it's Jack or Don, to give us a report and verification building by building, site by site that the roofs are capable of handling this solar installation and that they have at least 15 more years in good condition, and that the parking lots are designed properly so that they wouldn't want to redesign these parking lots and that these spaces are appropriate. That's something that I just think that we should get a verification of.

Speaker MCAULIFFE: Yes, and I think that we can give them to the next meeting to get that information to us.

Delegate GREEN: Sure.

Speaker MCAULIFFE: No, I have had a conversation with Jack Yunits that they are not going to put solar panels on roofs that are going to need to be repaired. They're going to make sure the roofs are in good shape if not new.

So I've already had that informal conversation, but I think it wouldn't hurt to have an inventory of roofs and parking lots just so that we have that information when we make our decision.

Delegate GREEN: I just think it's wise to have that in writing and on the record for all parties concerned. Thank you.

Speaker MCAULIFFE: All right. Anyone else? Jim Killion.

Delegate KILLION: Yes, thank you, Madam Speaker. Do we actually have what the cost would be for these installations as well as any incentives that might be applied to that?

Exec. Dir. LIZ ARGO: The cost of the developer?

Delegate KILLION: That's correct.

Exec. Dir. LIZ ARGO: No. That's not something that CVEC inquires after. It's something, frankly, that the developers -- they're not required to give us that information and we don't ask.

Delegate KILLION: So then how do you qualify the bids? Is it just strictly by whatever the bids are?

Exec. Dir. LIZ ARGO: Competition. So the bid process is very, very competitive. We have in one bid process, for instance, we had 19 developers respond. In this bid package, we had fewer developers because the other developers learned that they couldn't meet the prices of the developers that survived Round 4.

So, I mean, we could find out but it's not key to any of the decision-making for us to know what it's costing the developers. So it's what's key to us is what's the best opportunity from the best -- from the most qualified developer, and that's what we seek and it's what the selection committee focuses on.

Delegate KILLION: So the installation cost is not considered, so when you narrow down the developers, what is the key component? Is it strictly the revenue to the County or are there other benefits?

Exec. Dir. LIZ ARGO: Well, quality, quality first and then second is, yes, the PPA price, and if it's not a PPA price then what's the lease price. Yes, that is the driver after we determine the qualifications is what is the best benefit that we can bring the County.

Delegate KILLION: And the quality is based on what specifically, the past history of projects?

Exec. Dir. LIZ ARGO: Past history and references, yeah, past history reviewing what they've already accomplished, financials, and references associations.

Delegate KILLION: So if you would indulge me with this question.

Exec. Dir. LIZ ARGO: Yes.

Delegate KILLION: If you have two or three developers that are just impeccable, how do you discriminate between them?

Exec. Dir. LIZ ARGO: They never have the same bid. So it's always influenced by the bid.

Delegate KILLION: Okay. But you said (Indiscernible) talking about the benefits to the County or?

Exec. Dir. LIZ ARGO: Right, that's what they bid. So that may be part of the confusion is they don't have to tell us what it will cost. That's not their bid. Their bid is what is the cost to us for them to build it and maintain it for 20 years. So that's the price tag that comes in with the bid proposals.

Delegate KILLION: No, I understand that but you went off kind of a tangent there and said you went based on qualifications. So I'm just trying to determine how you distinguish between developers if they're very similar in terms of their costs and, more importantly, their qualifications; how do you discern? Does it strictly at that point come down to the economics?

Exec. Dir. LIZ ARGO: Well, I think it's always both that weigh in, and it's not a CVEC decision; it's actually made by the towns in the County in this case. So they do look at the qualifications and the bid proposal and certainly we've had some bid proposals with unqualified developers and we -- they get eliminated. So it's both

elements weigh in on the selection of the developer.

Delegate KILLION: And are they --

Exec. Dir. LIZ ARGO: And we never have ties. I think maybe that's what you're saying.

Delegate KILLION: So in other words, you must have some sort of formula in place then to discriminate that. You look at the qualifications and first ultimate benefits to the County?

Exec. Dir. LIZ ARGO: Well, so, when we get in a bid proposal, the selection committee first does a review for qualifications. And each person on the selection committee rates the developer based on qualifications.

After that, we look at the bid proposals and then the bid proposals are ranked according to their number. And, generally, if the qualification is -- if the developers passed on the qualifications, then it's what is this ranking of the price proposal that will determine the selective developer.

Delegate KILLION: Do you have any --

Speaker MCAULIFFE: Jim, are you driving at something? I'm sorry.

Delegate KILLION: I'm just trying to get an understanding of the process entirely because, you know, it's very intricate and complicated and I'm just trying to understand how these developers were selected.

Speaker MCAULIFFE: Okay.

Delegate KILLION: And just if I may, the last question, is this criteria that is set up to determine developers, is that somewhere that -- is that on your website where you have some set of guidelines that you require?

Exec. Dir. LIZ ARGO: It's part of the public procurement process, so we're just following public procurement process.

Delegate KILLION: Okay. So it's in the RFP somewhere?

Exec. Dir. LIZ ARGO: Yes

Delegate KILLION: Okay. Thank you.

Speaker MCAULIFFE: Okay. Thank you. Sue Moran, did you have your hand up?

Deputy Speaker MORAN: No.

Speaker MCAULIFFE: No, okay. You were just -- yes, Lilli-Ann.

Delegate GREEN: Just a quick follow-up on what Delegate Killion was just saying. Liz, did the County choose the final contractors?

Exec. Dir. LIZ ARGO: That's right.

Delegate GREEN: Or CVEC?

Exec. Dir. LIZ ARGO: Nope, the County.

Delegate GREEN: So was the County given a number of different bids and --

Exec. Dir. LIZ ARGO: All of the proposals that we received were passed on to the County and Don did a full review; CVEC did a full review as well at the same time so that we could counsel but, ultimately, the decision was with the County.

Delegate GREEN: So in other words, if 19 different developers put forth proposals, then CVEC went to rank them somehow, and then gave all of those to the County, and then the County made the final decision; is that what you're saying?

Exec. Dir. LIZ ARGO: Yes.

Delegate GREEN: I see. Thank you. Thank you for clarifying.

Speaker MCAULIFFE: I don't see any other hands. I wanted to make just a couple comments and questions.

One of the reasons in my mind that this is so crucial to the County, and I feel that because we are unique to your past, a lot of your past projects, we have current leases that are impacted by some of these particular projects, and we would be in violation, I think, of some of the leases if we did not provide the parking that we said we would or that we didn't allow some kind of construction in terms of repairs or things like that because of these projects.

So, I'm coming from we need to make sure that we're not going to jeopardize our current leases with new leases, and that's one of the reasons why this has become "a big deal" at the Assembly. We had Attorney Troy look at it and there have been some questions in terms of there are a lot of responsibilities that fall on the County. We're not 100 percent clear on what the impacts are with our current leases so that's one of the things we're sorting out and also getting an energy legal counsel to look at this too to make sure that this is something that won't impact negatively what our current status is.

So some of the information, and this doesn't necessarily have to come from you, Liz, is I'm specifically wanting to know in terms of the parking lots how many spaces are going to be lost because it's a tight parking lot to begin with and that may being moot with the future of teleworking as well. But the courts need parking. We never have enough parking. We can't find parking.

So, obviously, the canopies are going to take up some space and then the batteries. I think one is supposed to go in a parking lot behind the Registry of Deeds where the employees park. So I guess I'd like from Jack or from you just a ballpark of how many parking spaces is this set up going to require, and if it's not from you then, obviously, Don as well. I'm also looking --

Exec. Dir. LIZ ARGO: We can actually answer that now if that would help.

Speaker MCAULIFFE: You can? Okay.

Exec. Dir. LIZ ARGO: I think as much as we can expedite we need to for your own financial benefit.

Speaker MCAULIFFE: Yes.

Exec. Dir. LIZ ARGO: So these will not take up any parking spots. The bollards that are put in and the posts that are put in are put into the grass area. You're not going to lose any parking lots. And the battery is actually also -- there's a generator, I believe it is, back there or it's a transformer; this would go right next to the transformer, the battery, so that it would not take up parking spots.

Speaker MCAULIFFE: And the other batteries in the other --

Exec. Dir. LIZ ARGO: They go next to the buildings. They're not in a parking lot.

Speaker MCAULIFFE: Okay. Okay. So they don't involve parking lots. Great.

Exec. Dir. LIZ ARGO: Right.

Speaker MCAULIFFE: So now who pays to get the roofs and the parking lots in the shape they need to be in order to have the solar panels installed?

Exec. Dir. LIZ ARGO: Well there's no preparation that is required. If you had to reroof, then you would've had to have done that before we would consider putting on

the solar panels. So there's no -- there's nothing that the County needs to do or Don, as your Facilities Director, needs to do to prepare other than what he's been doing which is bring the engineers onto the site and, to the best of his ability, show them what they need to see, which is generally more of the -- in the electrical nature. So there's no preparation, there's no, therefore, there's no cost.

Speaker MCAULIFFE: Okay. I'm just concerned because I believe the contracts say if there's a problem with a roof leak --

Exec. Dir. LIZ ARGO: Yes.

Speaker MCAULIFFE: -- then we're responsible to remove the photovoltaics, store them appropriately, and then put them back on which would be a monumental task in some ways.

Exec. Dir. LIZ ARGO: It's not what you want, that's for sure.

Speaker MCAULIFFE: Yes, and that's why in my mind it's not only a roof in good repair, it's almost a new roof. If you're looking for a 20-year life on these and, believe me, I know they can go at least 40 or more. But if you're looking for a 20-year life, you better have a 20-year roof under then. So I just want to make sure that we're not, you know, going to be in a position of having to take down photovoltaics because we have a roofy leak -- a leaky roof.

Exec. Dir. LIZ ARGO: And, frankly, if you don't have a roof leak now, because these are not -- you don't have any new -- well, you do have, I think, I wish Don was on this now, but I don't think you have any brand new roofs.

Speaker MCAULIFFE: Don is here and this is in the public. So I'll ask him to weigh in on that in a second.

Exec. Dir. LIZ ARGO: Okay.

Speaker MCAULIFFE: And then its, you know, kind of overarching concern is because of the requirements of the photovoltaics needing sun and there's a restriction in terms of building construction and shade trees and landscaping, there's nothing that can impinge on the sun. And in my -- I'm concerned in terms of the long-range plans for the property because this is essentially the whole parking lot on the main campus, it really restricts our ability if we wanted to put a new building up or if we wanted to alter a building to accommodate space needs that we would really not have the ability to do that. In a sense we'd be giving up the rights to the use of our property.

Exec. Dir. LIZ ARGO: That's accurate.

Speaker MCAULIFFE: The big picture thing and that is correct.

Exec. Dir. LIZ ARGO: Yes.

Speaker MCAULIFFE: Okay. Don, did you want to just make a comment in terms of the status of the roofs?

Director DON REYNOLDS: The roofs, sure. Hi, Don Reynolds, Director of Facilities. As part of the process when we looked at the different buildings there could be possibly solar added to, that was foremost in the decisions we made.

Roofs that were already planned on being replaced, District Court is one of those; it made sense since we had to do it anyway, let's go ahead and make sure that we have the new roof for the lifespan of these panels.

Superior was eliminated, the flat roof for that reason. It does need to be replaced but at this time we went with the other buildings that just had produced more and it

made more sense to go in that direction.

Exec. Dir. LIZ ARGO: I'd also note --

Director DON REYNOLDS: So, yes, the District is going to be a brand-new roof.

Exec. Dir. LIZ ARGO: If I could add to Don's --

Speaker MCAULIFFE: Yes, Liz.

Exec. Dir. LIZ ARGO: -- that when you add solar modules, you don't want to add them to a roof that's not -- that's older than 10 years old. That's the rule of thumb. But it extends the life of the roofing because you've eliminated the ultraviolet light --

Speaker MCAULIFFE: Shield it.

Exec. Dir. LIZ ARGO: -- which is what decays the roofing so. And I would also note that I think your concern about having to -- if you need to fix a roof and you need to take off solar modules, often times the leak is in one spot. You take off that portion of the solar modules.

But we have now one installation that we put on on a school in Brewster and they had to replace the entire roof. And we took off the solar modules, they replaced the roof, and we restored the solar modules. And it was certainly -- they were making plenty of money to be able to afford that. So it's not -- it's not undone. We have a project in Eastham, the Eastham Library, where we will have to remove some of the solar panels because their brand-new roof is leaking and it was leaking from the get-go and it's still leaking. So it's not -- it can be done.

Speaker MCAULIFFE: No, I get it can be done but I think --

Exec. Dir. LIZ ARGO: You don't want to go at it that way.

Speaker MCAULIFFE: -- but I think the cost will fall on the County.

Exec. Dir. LIZ ARGO: Yes, yes.

Speaker MCAULIFFE: Right, it's not something that's covered, yeah.

Exec. Dir. LIZ ARGO: Correct.

Speaker MCAULIFFE: It's just one of those unforeseen things. Yes, Jim Killion.

Delegate KILLION: Sure. Thank you. Don, what is the age of the roofs in question currently?

Director DON REYNOLDS: So, like I said, the District Court went out to bid, has been received, and that is to be done in the month of June.

The Orleans District Court was already on as part of a capital project so that will be brand-new.

And then, finally, the Registry of Deeds we saw that -- we identified just the one area of the three tiers of flat roofing and also for that reason that is less than 10 years old.

Speaker MCAULIFFE: Okay.

Delegate KILLION: How old is it; do you know specifically?

Director DON REYNOLDS: I could look it up. I want to say eight, maybe ten years.

Delegate KILLION: So it's pretty close?

Director DON REYNOLDS: Close to?

Delegate KILLION: Ten years.

Speaker MCAULIFFE: Close to the limit, close to the age limit.

Okay. Good. So, Liz, I didn't know if you were on when I explained I wanted to let people know because we had initially had hearings scheduled for today and the hearing got posted with an incorrect date which made the hearing notice invalid. So they are posted for the next meeting. We did send out, I want to say, at least 15 notifications to the interested parties surrounding these properties in terms of leaseholders, people who have a concern with these properties to offer them an opportunity to come in and make comments.

We had no responses for today and having the hearings then postponed to the 3rd gives them another opportunity to see if they want to come and respond. And we may or may not get anyone on those, but we wanted to make sure that people had the opportunity and it was done in an open and public way so that we wouldn't be charged with trying to do this kind of on the slide.

We really appreciate the time frame and the need to expedite this. But I also think we also want to make sure that it hasn't been retched to the point that we missed something or we didn't do something.

So, I'm hoping that this will -- that June 3 will be close enough to your deadline and we can get a vote and see where we go from there.

Exec. Dir. LIZ ARGO: I would just mention that we, you know, part of the CVEC service is we have our qualified legal counselor and she attended -- she's on this call in case you had any questions, and we can never have the CVEC lawyer represent the County, but the cost would pass back to you but that lawyer is available for whoever you want to have reach out to the CVEC lawyer if you want that as -- I'm not sure how you are going to solve your questions, answer your questions.

Speaker MCAULIFFE: Yeah, no, the last meeting we were looking for some advice on the energy portion of this too because this is, you know, County Counsel can make it through some of the lease issues and the legal issues, but the energy portion, so we have reached out to an attorney. We have -- who specializes in energy services, and we are going to have him give a once over for the County. We should -- we will have, according to him, an opinion by the next -- before the next meeting by the 28th, we believe. So we'll have that information in hand as well.

And I have a letter to sign for him. We just got it yesterday. We haven't engaged him yet because we have financial details that I want to work out first.

In terms of this presentation, has everyone had an opportunity to get their questions asked and answered at this point?

Yes, Elizabeth.

Delegate HARDER: Sorry. But one quick thing I don't quite understand. So we'll be voting on these leases that have been decided on which company is going to be hired -- which developer is being hired. So those are -- I mean that's -- who decides -- Don just decided on his own which company and we're taking that advice; is that how this is working?

Exec. Dir. LIZ ARGO: That is, essentially, how it's working but I think -- keep in mind that all of the developers had to pass the qualification muster first. So the choice to Don -- we had a whole committee of, I'm going to say, 15 people from the different towns who spoke amongst themselves as well and reviewed the qualifications.

And we had a question and answer session, an interview session; Don attended as did all of the representatives of the selection committee from all the various towns and school. But that was also an opportunity to vet and understand the qualifications of the developers.

So it was something that was a process that took place over a course of an entire month and, ultimately, once the qualifications were determined, it did become a question of what's the best benefit to the County, which developer offers the best benefit to the County?

So I get the feeling that you're concerned that it was somehow done in a vacuum or that Don was the only body that was considering the developers but that's not the case.

Delegate HARDER: Okay.

Exec. Dir. LIZ ARGO: There was a large committee of -- but he was the one who -- and I would have to hand it off to Don in terms of did he talk it over with anybody else at Barnstable County but, certainly, his decision was made very, very carefully (Inaudible).

Delegate HARDER: No, I'm not trying to impugn Don's integrity or saying, oh, cool, he has a friend in the business and now they're all ---

Exec. Dir. LIZ ARGO: Yes.

Delegate HARDER: That's not what I'm -- I'm just trying to make -- figure out, you know, who did have a say --

Exec. Dir. LIZ ARGO: (Inaudible) the process.

Delegate HARDER: -- so that if there are complaints, Don is not, you know, thrown under the bus, I guess is what I'm trying to say.

Speaker MCAULIFFE: Well, thank you. Yes, Tom O'Hara.

Delegate O'HARA: Yes, I just a couple of questions and one of them is is this a through-the-roof fastening system that would require penetrations or is it a weighted system?

Exec. Dir. LIZ ARGO: Bollasted. Yes, these for the rubber roofs, these are all bollasted so it's not -- there are no penetrations (Inaudible).

Delegate O'HARA: There is no penetration.

Exec. Dir. LIZ ARGO: Correct.

Delegate O'HARA: Okay. And, secondly, and outside of the panels themselves, is there any negative impact on the, what would we call it, the stage that so many people enjoy the summer concerts on the sloped hillside (Inaudible)?

Exec. Dir. LIZ ARGO: I would imagine, yes. I would imagine that -- I'm trying to picture it because, well, actually no because you go up on the hill and you sit on the hill and you enjoy the concert. So now behind you instead of just a sea of cars with the break, the grass break, now you'll have a solar canopy over the row of cars and then the (Inaudible).

Speaker MCAULIFFE: Almost like a portico, yes.

Exec. Dir. LIZ ARGO: Yes.

Delegate O'HARA: I was trying to think, what I thought it might be would obstruct the view looking out at the ocean while you were watching the entertainers (Inaudible).

Exec. Dir. LIZ ARGO: I think it will be -- yes, I think -- you can picture a big school bus parked out in front of the structure that the band plays in, you can still see the water over the school bus. So I think you'll still see the water.

Delegate O'HARA: Just a side thought because it's such a beautiful view from that hill.

Exec. Dir. LIZ ARGO: Yes, I enjoyed it myself.

Delegate O'HARA: All right. Thank you.

Speaker MCAULIFFE: Okay. Well thank you, very much, Liz. I appreciate your patience and your availability. As I said, the ordinances will be put in for hearing and we will put up for a vote on the next meeting. And we may have no comments during the hearings if we don't get any response. So it may be a very rapid process, and it also allows us to get our energy legal opinion to consider as well. Thank you.

Exec. Dir. LIZ ARGO: All right. Well, reach out if you need more contact.

Speaker MCAULIFFE: We will and thank you for making your counsel available. Thank you.

Exec. Dir. LIZ ARGO: Thanks. Okay. Bye-bye.

Speaker MCAULIFFE: Bye-bye.

Speaker MCAULIFFE: Are there any communications from Public Officials?

Any communications from Members of the Public?

Assembly Convenes

Proposed Resolution 20-03:

The Assembly of Delegates supports and endorses the May 4, 2020 communication from the Barnstable County Human Rights Advisory Commission to the US Department of the Interior.

NOW, THEREFORE,

***BE IT HEREBY RESOLVED* that the Barnstable County Assembly of Delegates supports and endorses the communication stated below, from the Barnstable County Human Rights Advisory Commission to the US Department of Interior, concerning the Mashpee Wampanoag Tribe and recent the federal determination to revoke the status of Tribal Land held in trust.**

“(Barnstable, MA – May 4, 2020) – The Barnstable County Human Rights Advisory Commission (HRAC) supports Mashpee Wampanoag Tribe in action against Department of Interior.

The Human Rights Advisory Commission of Barnstable County, out of respect for the Mashpee Wampanoag Tribe and the long, traumatic history they endured, express our extreme displeasure with the Department of Interior’s recent decision denying the Tribe’s right to hold land in trust.

At a time when we are collectively sharing significant challenges and together experiencing a period of tremendous hardship, the HRAC hopes that the Department focuses on the immense value of the Tribe and work to ensure a path of cooperation and respect.

2020 is the year that we commemorate the 400th anniversary of the Mayflower voyage and the founding of Plymouth Colony. This history cannot be told without honoring the immense contribution of the Wampanoag people that are still among us. Thus, we urge the Department to initiate a complete review of the denial and engage in the process of reconsideration that accounts for the full history of this great Tribe. Fairness dictates no other course of action.”

Speaker MCAULIFFE: Okay. We will now go into -- I will now convene the Assembly, and we're going to have a vote -- a discussion and vote on Proposed Resolution 20-03, and this is in support of Human Rights Advisory Commission position on the Wampanoag Land, and this is submitted by the Provincetown Delegate O'Malley.

Delegate O'Malley, would you like to put this on the floor and give us a little discussion?

Delegate O'MALLEY: Thank you, Madam Speaker. I'm offering this Proposed Resolution in support of the Mashpee Wampanoag Tribe.

Speaker MCAULIFFE: So are you going to move the resolution?

Delegate O'MALLEY: I'm moving the resolution.

Speaker MCAULIFFE: And a second?

Delegate OHMAN: Second.

Speaker MCAULIFFE: Okay. And now if you wouldn't mind just giving us a bit of background. Thank you.

Delegate O'MALLEY: Right. This is -- I would just take, you know, this is the tribe in regards to its current dispute with the current federal administration. I'm going to just take a few minutes to review the history of this issue and of what has prompted this action.

The Mashpee Wampanoag Tribe, of course, has been here for thousands of years, as many as 12,000 and, clearly, they were the ones who were here, greeted the colonizers who came here 400 years ago; the colonizers who ultimately destroyed much of that indigenous culture in the region. The tribe was long and native -- they were the community of Mashpee for a long time. They fought in the revolution.

In 1834, 1834, they were recognized as a self-governing district and incorporated essentially becoming a municipality at that time and was the prototype in the United States for indigenous self-governance. The community at that time for that century thrived on whaling, cranberry, cranberry farming, and through tourism. President Grover Cleveland who summered in Falmouth at Gray Gables hired Wampanoag guides for hunting and fishing to take him out.

In the first half of the 20th century, there was what was known as the termination error, and it was a concerted federal policy to incorporate, assimilate native populations into Western white man culture. This fell into some real disfavor and under President

Roosevelt in 1934 his secretary of Indian affairs was a major player and persuaded Roosevelt to pass what became known as the Indian New Deal. The Act was the Indian Reorganization Act of 1934. Its goal was specifically to reverse the process of assimilation of Native Americans into American culture. And, in fact, to try to perpetuate and encourage and perpetuate the continuation of their culture.

One unfortunate quality of the Act, however, was the imposition of that year, 1934, as an arbitrary date for determination of tribal status. That has become -- that has shadowed all tribal land controversy since then.

Recognition by a Mashpee Wampanoag tribe was first sought in '75, 1975; it took 30 years to 2007, and eight years later in 2015 they were granted "Land in Trust" jurisdiction. That's very similar to a reservation. It grants significant self-governing authority over their 321 acres in both Mashpee and Taunton.

So there is a Tribal Council, Tribal police, a court, a school. There are health and human services including elder housing, a strong natural resource protection department. These constitute the existing municipal governments of the Wampanoag Tribe in Mashpee.

So, in late March, kind of out of the blue, and it was really very unexpected out of the blue, the Department of Interior ordered the disestablishment of the tribe's land in trust. This was the first such action in over half a century. There are some very strong political overtones to these actions that involve competing casino interests in the Southeast region favored by our president, and on top of that, his ongoing feud with our -- one of our senators.

The impacts on the tribe of disestablishment would be considerable. All governance functions, those noted, would be deconstructed and ended. They would fall upon the town fundamentally. Much of the funding which supports the tribe is based on their current status of land in trust. So that the cultural economic and cultural progress that the tribe -- that currently depends much on federal funding would be voided and efforts to preserve the unique language of the people would be ended.

The fact is this decision, if left unturned, is not unique to the Wampanoag Tribe. It could impact hundreds of other -- it is felt hundreds -- that's the estimate that I've read, hundreds of other tribes across the country and, in particular, in places where there are oil and other natural resource interests on tribal land.

So, just this month, the House approved by a two-thirds vote a bill introduced by Congressman Keating to affirm -- to reaffirm the Tribe's land in trust. Municipal governments in both Mashpee and Taunton have praised the affirmation.

On May 4, just this month, the Barnstable County Human Rights Advisory Commission, for which I'm serving as liaison appointed by the Speaker, drafted a letter, sent a letter to the Department of Interior expressing their "extreme displeasure with the plan to disestablish" citing a long history of contributions by the Wampanoag people over these 400 years and urging a "complete review and reconsideration."

I bring to the -- as liaison to the Assembly, to the HRAC, Human Rights Commission, I bring this body -- to this body the opportunity to endorse the petition -- that's the resolution today.

The Board of Regional Commissioners voted unanimously two meetings ago to support the Human Rights Advisory Commission action. I'll leave it with that. I'll take

any questions.

Speaker MCAULIFFE: Thank you. Anyone have any questions or comments on the resolution? Linda Zuern.

Delegate ZUERN: Yes. I just don't see this as part of the mission of the Human Rights Commission, that it's more of a political thing, and we don't have anybody from the Department of Interior to give the other side to this. So I will be voting no. Thank you.

Speaker MCAULIFFE: Thank you.

Delegate O'MALLEY: And I would --Madam Speaker.

Speaker MCAULIFFE: Yes, Brian.

Delegate O'MALLEY: Madam Speaker, I would only point that the Human Rights Advisory Commission is a nonpartisan, County-appointed body. This is not a partisan issue.

Speaker MCAULIFFE: Anyone else? Yes, Jim Killion.

Delegate KILLION: Yeah, thank you. Brian, if you could just go into a little more detail of what this is specifically about. I've done some reading on a few things and, you know, it seems like there's two sides to every story. But I'm trying to find it -- finding it difficult to get the actual facts of it.

So can you give me -- provide any detail as to what this actually has to do with because this, as you said, it's gone on for a number of years and it's gone back and forth?

Delegate O'MALLEY: Jim, the hardest part of a detail for me to give is the fact that there is simply no published -- public -- publicly-stated purpose given by the Department of Interior for their action. This was taken kind of out of the blue and the tribe was notified in a phone call -- a totally blindsided phone call, apparently.

And there is, as of this date, no reason why this recommendation has been made. And that's part of the reason why there is considerable suspicion that there are casino developers who, as you know, those licenses are limited, there are casino developers who have the president's ear who are donors, big donors who have played a role in this.

Jim, I mean, I guess the answer is I don't know. I can't speak to why this action, as I pointed out, the first time a tribe's land in trust has been pulled in over half a century. It comes out of the blue with no -- there's no lead up to it. There's no roadmap to what happened here. I can't explain it.

Delegate KILLION: But is the whole point of the trust to allow some type of gambling opportunity? Is that what it relates to?

Delegate O'MALLEY: Yes, it is, Jim. In fact, that was kind of the -- that was the purpose of the Act back, you know, the Indian Right -- the Indian Reorganization Act was to confer what amounts to sovereign status, as I said, it's almost like a reservation. It confers on a tribe that it's given land in trust the authority to self-govern, so that in Mashpee there is a self-governance that applies to those however many acres. That would be pulled out and it's self-governance has developed, as I pointed out, a whole series of social functions, health and human services, education, police, courts, the whole nine yards. That would all disappear. That would disappear. They can't do it anymore. They would lose the grant money they get. They would lose -- they would no longer be able to operate essentially a municipality. That's what they are. They're fundamentally a sort of a municipality under this Act. This is not new. The Act has

been in there since 1936, and there's tribes all over the country apparent -- as I pointed out, hundreds of them. They have been after the -- this is very complicated when you go down this; it's a rabbit hole. But after the Act, there have been, oh, countless instances of the land subsequently being taken away. I mean there has been such reversal of those land grants already through many, many legal and somewhat illegal mechanisms.

Deputy Speaker MORAN: Fifteen minutes.

Delegate O'MALLEY: Yeah, at any rate, I'm not sure where to go with this.

Delegate KILLION: Well, thank you for your attempt at that.

Speaker MCAULIFFE: Yes, Tom O'Hara.

Delegate O'HARA: Thank you, Madam Chair. Look, I'm not going to go too heavy on this because, obviously, being the Selectman in the Town of Mashpee. But I will tell you Brian brought up a couple of times that there was no reason for this, and I believe the sole reason was that the tribe was not federally recognized in 1934 and that was a requirement, and I believe the name of the bill was the Carcieri Bill. So I believe that's why it was granted the land in trust previously and it was just a legal mistake that a decision that was made, and that's why I think that they took the land out of trust. And I find -- I hope they find a way to put their land back into -- in trust or allow them some way to reestablish the land in trust for the tribe. But I believe that's the reason, if I'm not mistaken.

The other thing that was said and I can tell you that Brian -- Dr. O'Malley had mentioned the letter from Bill Keating, and we have never -- the Town of Mashpee, to my knowledge, has never had correspondence with Bill Keating since this has happened. We have had no conversation with him whatsoever or communication of any sort so.

But I'm not opposed to sending a letter or making a -- to support the tribe's position. But like I said, I just think it's a legal -- a matter of legal law. That's all at this point.

Speaker MCAULIFFE: Yes.

Delegate O'HARA: Thank you.

Speaker MCAULIFFE: My cynicism in going against federal agencies is you can write all the letters you want. It doesn't change much.

Yes, Brian.

Delegate O'MALLEY: I would just clarify a little bit about that. Tom, you're quite right. The 1934 date for federal recognition became critical. The Carcieri was actually -- Carcieri was actually a plaintiff in a decision by some U.S. higher court which held -- which offered the opinion that that date, that arbitrary 1934 date -- but after which tribes were not really tribes was a rather arbitrary federal decision imposed upon the tribes and there is a very significant movement underway now to reverse the Carcieri decision and to restore and to do away with that arbitrary 1934 date that made many tribes not real tribes because it was their cut-off date.

Speaker MCAULIFFE: Okay. I'm not seeing anyone else, so I think what we'll do is we have a motion and a second on this resolution. We will have a roll call vote and the resolution is to write a letter in support of the Mashpee Wampanoag Proposed Resolution 20-03.

Will the Clerk call the vote, please.

Remote Roll Call Vote on Proposed Resolution 20-03

Voting “YES” (87.19%): Mary Chaffee (4.55% - Brewster), J. Terence Gallagher (2.30% - Eastham), Lilli-Ann Green - (1.27% - Wellfleet), Elizabeth Harder (5.67% - Harwich), James Killion (9.58% - Sandwich), E. Suzanne McAuliffe (11.02% - Yarmouth), Susan Moran (14.61% - Falmouth), Thomas O’Hara (6.49% - Mashpee), John Ohman (6.58% - Dennis), Brian O’Malley (1.36% - Provincetown), Randi Potash (2.84% - Chatham), Patrick Princi (20.92% - Barnstable).

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

Absent (3.66%): Christopher Kanaga (2.73% - Orleans), Deborah McCutcheon (0.93% - Truro).

Clerk O’CONNELL: Madam Speaker, Proposed Resolution 20-03 passes with 87.19 percent of the Delegates voting yes; 9.15 percent voting no; 3.66 percent are absent. Now known as Resolution 20-03.

Resolution 20-03:

The Assembly of Delegates supports and endorses the May 4, 2020 communication from the Barnstable County Human Rights Advisory Commission to the US Department of the Interior.

NOW, THEREFORE,

BE IT HEREBY RESOLVED that the Barnstable County Assembly of Delegates supports and endorses the communication stated below, from the Barnstable County Human Rights Advisory Commission to the US Department of Interior, concerning the Mashpee Wampanoag Tribe and recent the federal determination to revoke the status of Tribal Land held in trust.

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Speaker MCAULIFFE: Thank you. Thank you, Brian, for --
Delegate O'MALLEY: Thank you.

Speaker MCAULIFFE: Our next item are committee reports. I don't believe there have been any committee meetings.
The next item is a report from the Clerk.

Summary Report from the Clerk

- **Statements of Financial CY19 filing due 5/26/20.**
- **Mileage logs should be approved and submitted for reimbursements.**

Clerk O'CONNELL: Thank you, Madam Speaker. Just briefly, a reminder. I think I still have a small handful of Delegates that have yet to complete their Statement of Financial Interest and, yes, they are due by the 26th of May. So by my best calculation, I think that's next Tuesday. The days are sort of all running together now. Difficult sometimes to tell if it's Tuesday, Wednesday, or Thursday.

And also with regards to the mileage logs, if Delegate O'Hara is listening, if you could please check your email and get back to me with regards to your mileage log. I decided to just go forward with them because it appears that we probably will not be meeting at the campus during the month of June and that is the end of the fiscal year. So I need to get all of those in place.

And as the Speaker mentioned, we've been very busy consulting and lining up special counsel for the energy analysis on the proposed leases, and we should have that, and I should be able to get that to you definitely with the next packet that will come out for the June 3rd meeting.

And I think that's it. I think that's all I have at this point.

Summary of Other Business

- **Discussion on proposed solar leases postponed until the next Assembly meeting.**
- **Congratulations to Senator-elect Susan Moran the Assembly Falmouth Delegate.**
- **Reminder that the Cape Cod Commission will be having a Public Hearing next week about the Regional Policy Plan that the Assembly discussed in January 2019 and there is a proposal to amend that RPP and there will be a Public Hearing about it on Thursday, May 28 at 3 p.m.**

Speaker MCAULIFFE: I had put on the agenda a potential for a discussion regarding the presentation and public hearings which we didn't have related to the energy ordinances.

I think at this point we can have the discussion at the next meeting, a general discussion on the leases because we don't have all the information now anyway. And then that way we'll also be able to give any of the interested parties an opportunity to

appear and talk to -- we did get a chance to get our questions answered and opinions expressed. So unless someone really has something they really want to discuss, I think it's starting to get late and we're already losing people.

Delegate PRINCI: I was just wondering what the -- I've just been kicking it around since I heard it. What derogatory remark was made about the Assembly?

Speaker MCAULIFFE: Why don't we do that off-camera. This is being recorded and this --

Delegate PRINCI: Okay.

Speaker MCAULIFFE: I will -- you can stay after the meeting if you'd like.

Delegate PRINCI: Okay.

Speaker MCAULIFFE: If that's all right with you, Lilli-Ann.

Delegate PRINCI: That's fine.

Speaker MCAULIFFE: If that's acceptable to have any discussion at the next meeting.

My other "Other Business" is congratulations to our new Senator, Senator Sue Moran. We are very unhappy that you are leaving us but very happy that you will be helping us on a bigger stage. And I've been very fortunate to work with you as Deputy Speaker, and you and I can talk. We haven't had a chance to talk yet about what your specific plans are, but I think we are very, very proud of you, Sue. Thank you, very much, for representing us so well.

And, wait a second, I'll unmute you.

Deputy Speaker MORAN: I just -- just thanks to everyone. I appreciate the support.

Speaker MCAULIFFE: Okay. Is there any other "Other Business"? I'll take -- oh, yes, Terry Gallagher.

Delegate GALLAGHER: Hi. Thank you, Madam Speaker. I just wanted to bring to the Assembly's attention that the Cape Cod Commission will be having a Public Hearing next week that I didn't receive any official communication from the Cape Cod Commission about, but a constituent brought it to my attention and it is about the Regional Policy Plan that we discussed in January 2019. There is a proposal to amend that RPP and there will be a Public Hearing about it on Thursday, May 28 at 3 p.m.

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

Delegate CHAFFEE: So moved.

Speaker MCAULIFFE: I'm sorry; hold on. Tom O'Hara has his hand up. Yes, Tom.

Delegate O'HARA: Thank you, Madam Chair. So I just wanted to let the committee know that I reached out to the Governor both by a phone call and an email to him, and I have a number of friends that are in the restaurant business and they're quite disappointed in his decision to delay the opening of the restaurants. And many of them which were counting on it, and I support them, and I'm wondering if the rest of the Assembly felt the same way would they reach out and contact the Governor. I also spoke to Dave Vieira and I reached out to Will Crocker as well for support.

I just think that the delay is -- comes at a bad time because the window of opportunity for these restauranteurs is about a 99-day window to make their year's salary basically and to carry them through the winter when the season gets very slow.

So all I was asking is just to not wait the three weeks. If they say three weeks now, I mean if it turns into four or five weeks, this would be devastating and a lot of the restaurants that we know and enjoy, I don't think will be there after the winter. They will not have enough funding to carry them. And I'm just asking for your support.

Speaker MCAULIFFE: Tom, did you reach out to the Task Force at all because that involves all our legislators. And I think that they're supposed to come up with a plan today, but I think that they would be a perfect group to -- because it seems that Governor Baker is responsive to some pressure and some lobbying. I mean he opened the golf courses overnight. And I think that if someone were able from that or that Task Force was available to contact him, that might carry some weight as well.

Delegate O'HARA: Well, just to add to that, on the night that the Governor put his plan forward, Julian Cyr was at my meeting. It was Monday night and he had just heard it and he brought it as the message from the Governor to us again, and I told him that I was unhappy with it as were I had already heard from so many of the restaurateurs that they said, "Tom, what can you do?" I said, "Let me reach out to Julian." And I had the conversation with Julian on that night and I said I was unhappy. I said, you know, you want to add other restrictions, you know, seating, like, you know, spacing, all of these different things that which they can comply to but it's going to take them a week just to get moving once they (Inaudible) --

Speaker MCAULIFFE: Just to get set up, well, plus there's training. I know a lot of the hair salons are voluntarily not opening up because of the training and the setting up and everything that's required. They're going to wait a couple of weeks. But I think the restaurants don't have that -- they don't have the luxury of waiting. They're not even allowed. And it is a self, you know, it's not forcing people to do something. It's not, you know, you can choose to not go, you know, if you --

Delegate O'HARA: Exactly.

Speaker MCAULIFFE: -- don't want to expose yourself.

Delegate O'HARA: I agree with that, Madam Chair, and that's what I say, and it's just that it is so seasonal. They really only have a short window of opportunity to make their money. And I truly am fearful that if they don't make that pocket full of cash in the season when it's available, they will not be there.

Speaker MCAULIFFE: Yes.

Delegate O'HARA: And these are friends of ours. They create a lot of good paying jobs at a lot of the restaurants and, not to mention, the landlords, the Mashpee Commons. They, themselves, are going to end up with all these vacant buildings and (Inaudible) --

Speaker MCAULIFFE: Yes.

Delegate O'HARA: -- can't afford to pay the rent as it is. I mean, the delay is devastating, and I'd rather see stricter enforcement and setback requirements, whatever it requires, have the Governor reconsider this and give them the right to move sooner rather than later.

Speaker MCAULIFFE: Yes, I'm thinking maybe our new Senator if she meets the Governor and she's shaking his hand and say, "By the way."

Sue, did you want to say something?

Deputy Speaker MORAN: I'm all set.

Speaker MCAULIFFE: Okay. John Ohman.

Delegate OHMAN: No, I was just going to say Senator Moran is going to be on that committee starting when, today or tomorrow?

Deputy Speaker MORAN: As soon as I'm sworn in.

Delegate OHMAN: Sworn in. And get to your state legislator; they're the ones on the Task Force. You probably have a working knowledge who they are and how to get ahold of them. They're trying to put pressure on the Governor, too, and I think this is the way to go. Go right to your state legislators. I've talked to Tim Whelan; I've talked to Julian Cyr.

It's really quite amazing the hoops that people are going to have to jump through to open their restaurants, never mind the fact that the warehouses don't have any food in them because no one's open.

Delegate O'HARA: Right.

Delegate OHMAN: It's a very convoluted situation and we need help yesterday, not tomorrow. Yesterday.

Speaker MCAULIFFE: Yes, no, I agree. I agree. This is not rolling out very well. All right.

So I will go forward and those who wanted to have a conversation with Lilli-Ann can stay after the meeting; otherwise, **the meeting is adjourned**, and I'll see you in two weeks.

Thank you, very much everyone

Whereupon, it was moved and seconded to adjourn the Assembly of Delegates at 6:40 p.m.

Submitted by:

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

List of materials used at the meeting:

- **Business Calendar 5/20/20**
- **Unapproved Journal of Proceedings of 5/6/20**
- **CVEC PowerPoint Presentation on Solar Leases**
- **Memo from County Counsel Troy regarding proposed solar leases**
- **Email from County Counsel Troy regarding proposed solar leases**
- **Proposed Ordinances 20-08 through 20-14**