

**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 June 3, 2020*

**APPROVED Journal of Proceedings – June 3, 2020**

**Roll Call Attendance**

Speaker MCAULIFFE: Okay. I'm now convening the Cape Cod Regional Government, Assembly of Delegates. This is a regular meeting on Wednesday, June 3rd, 2020, at 4 p.m. This meeting is held through remote participation pursuant to the Massachusetts Governor Charles Baker's order suspending certain provisions of the Open Meeting Law on March 12, 2020.

The meeting is live streamed on YouTube and comments can be made by calling 929-205-6099 and using ID 96327679551. This information is also on the County website under the agenda. The reason I'm reading that is because we do have Public Hearings today.

At the beginning of the meeting, we start with a moment of silence to honor our troops who died in service to our country and all those serving our country in the Armed Forces. And a moment of silence for those who lost their lives to the COVID virus and those who are working in the essential services and front lines taking care of people.

(Moment of silence.)

Speaker MCAULIFFE: Thank you. It's time for the Pledge of Allegiance.

(Pledge of Allegiance.)

**Roll Call Attendance**

**Present (84.46%):** 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), 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).

**Arrived Late (0.93%):** Deborah McCutcheon (0.93% - Truro - @ 4:15 P.M.).

**VACANT (14.61%):** Falmouth.

Clerk O'CONNELL: So, Madam Speaker, you have a quorum with 84.46 percent of the Delegates present; 0.93 percent are absent; and 14.61% vacant.

**Election of a Deputy Speaker**

- **Nominations made for Deputy Speaker: Delegate O'Malley and Delegate Princi**
- **Delegate Princi elected Deputy Speaker**

Speaker MCAULIFFE: The next item on the agenda is an election of a Deputy Speaker. As everyone is aware, the Deputy Speaker has moved on to the state Senate leaving this spot vacant.

Typically, it is a -- the Charter says it is a majority of the towns in Barnstable County, so it would be eight votes to elect a Deputy Speaker. And I am thinking that if

there's more than one candidate that neither candidate may be able to get eight votes today. We may want to consider postponing the election until the next meeting when Falmouth is seated.

I don't know what the view of the group is. I certainly will take comments if people feel strongly one way or another.

Speaker MCAULIFFE: Okay. I saw Elizabeth. Elizabeth Harder.

Delegate HARDER: Can we nominate -- if there's someone we'd like, should we nominate them and then see if there's opposition or somebody else because I like --

Speaker MCAULIFFE: If you want to do that. It is on the agenda. I was just saying that if we can't come to a determination today or you don't want to go through the process, then we can wait until Falmouth is seated. But, obviously, you could go ahead and nominate if you wish to.

Delegate HARDER: John.

Speaker MCAULIFFE: Okay. John Ohman.

**Delegate OHMAN: Thank you, Madam Speaker. I would like to put a nomination of Dr. O'Malley from Provincetown as the Deputy Speaker.**

Speaker MCAULIFFE: Yes, is there a second on that?

**Delegate KANAGA: Second.**

Speaker MCAULIFFE: Okay. Chris Kanaga, I see your hand up.

Delegate KANAGA: I was just going to say that -- I don't see any reason not to move forward on this --

Speaker MCAULIFFE: Okay.

Delegate KANAGA: -- or to delay it. It's on the agenda, let's see if we can do it.

Speaker MCAULIFFE: I think we have.

Delegate KANAGA: Yes, I know. That's all.

Speaker MCAULIFFE: Any other nominations for Deputy Speaker? Jim Killion.

**Delegate KILLION: Yes, I'd like to nominate the Delegate from Barnstable, Pat Princi.**

Speaker MCAULIFFE: Okay. Is there a second for that?

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

Speaker MCAULIFFE: Okay. Seconded by Tom O'Hara. Any other nominations for Deputy Speaker? All right. We have -- I will close the nominations. We have two nominations. As I said, eight votes to elect because it's a majority. We need a majority of the towns represented which is eight votes.

So first nominated was Dr. O'Malley, so we will put him up for consideration first. Okay. Will the Clerk -- yes, does somebody have something to say? No. Okay. Will the Clerk call the vote, please?

Clerk O'CONNELL: Okay. So I'm going to call your name out according to the roll and you're either going to say yes or no for the nomination for Brian O'Malley.

**Roll Call Vote on Nomination of Delegate Brian O'Malley for Deputy Speaker**  
**Voting "YES": J. Terence Gallagher (Eastham) Elizabeth Harder (Harwich);**  
**Christopher Kanaga (Orleans); John Ohman (Dennis); Brian O'Malley**

(Provincetown).

**Voting “NO”:** Mary Chaffee (Brewster); Lilli-Ann Green (Wellfleet); James Killion (Sandwich); E. Suzanne McAuliffe (Yarmouth); Thomas O’Hara (Mashpee); Randi Potash (Chatham); Patrick Princi (Barnstable); Linda Zuern (Bourne).

**ABSENT:** Deborah McCutcheon (Truro).

**VACANT:** Falmouth.

**Clerk O’CONNELL:** Madam Speaker, there are five votes for Brian O’Malley: Gallagher, Harder, Kanaga, Ohman, O’Malley. (5 YES, 8 NO, 1 ABSENT, 1 VACANCY).

Speaker MCAULIFFE: All right. Now will the Clerk please call for a vote on Delegate Princi.

**Roll Call Vote on Nomination of Delegate Patrick Princi for Deputy Speaker**

**Voting “YES”:** Mary Chaffee (Brewster); Lilli-Ann Green (Wellfleet); James Killion (Sandwich); E. Suzanne McAuliffe (Yarmouth); Thomas O’Hara (Mashpee); Brian O’Malley (Provincetown), Randi Potash (Chatham); Patrick Princi (Barnstable); Linda Zuern (Bourne).

**Voting “NO”:** J. Terence Gallagher (Eastham) Elizabeth Harder (Harwich); Christopher Kanaga (Orleans); John Ohman (Dennis).

**ABSENT:** Deborah McCutcheon (Truro).

**VACANT:** Falmouth.

**Clerk O’CONNELL:** Madam Speaker, you have nine votes for Patrick Princi: Chaffee, Green, Killion, McAuliffe, O’Hara, O’Malley, Potash, Princi, Zuern. (9 YES, 4 NO, 1 ABSENT, 1 VACANCY).

**So you have nine. Patrick Princi is the Deputy Speaker.**

Delegate POTASH: Congratulations.

Delegate O’MALLEY: May I offer my congratulations, Patrick.

Delegate PRINCI: Thank you.

Speaker MCAULIFFE: Thank you, Brian. Thank you, Patrick. I’ll be calling you.

Delegate PRINCI: Any time. I’m always awake.

**Approval of the Calendar of Business**

Speaker MCAULIFFE: Okay. The next item is approval of the Calendar of Business. Is there a motion to approve?

**Delegate GREEN: So moved.**

**Delegate O’HARA: Second.**

Speaker MCAULIFFE: Delegate Green moves and Tom O’Hara seconds. Any comments or discussion on the Calendar of Business? Okay. The Clerk will call the vote on the Calendar of Business.

**Roll Call Vote to Approve the Calendar of Business**

**Voting “YES” (84.46%):** 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), 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).

**VACANT (14.61%):** Falmouth.

**Clerk O’CONNELL:** Madam Speaker, the business calendar passes with 84.46 percent of the Delegates voting yes; 15.54 percent are absent.

Speaker MCAULIFFE: Thank you.

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

Speaker MCAULIFFE: Our next item would be the approval of the Journal of May 20, 2020. Is there a motion to submit that?

**Delegate O’HARA:** So moved.

Speaker MCAULIFFE: Thank you. A second?

**Delegate CHAFFEE:** Second.

Speaker MCAULIFFE: Seconded. Will the Clerk please call the vote?

**Roll Call Vote to Approve the Calendar of Business**

**Voting “YES” (84.46%):** 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), 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).

**VACANT (14.61%):** Falmouth.

**Clerk O’CONNELL:** Madam Speaker, the Journal is approved with 84.46 percent of the Delegates voting yes; 15.54 percent are absent.

Speaker MCAULIFFE: Thank you.

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

- **County Administrator Jack Yunits undated delegates on COVID19, a lease approved for the temporary relocation of the Cooperative Extension, and on the status of the County Dredge work.**

Speaker MCAULIFFE: Next up are communications and updates from the

Regional Commissioners. I saw Ron Bergstrom in the meeting earlier. Ron, are you still with us? I don't see him.

All right. So, it could also be an update by County Administrator and this is to include an update on the Dredge and any financial update that everyone is aware of at this point. So Jack, are you here? Yes, you are here.

Administrator JACK YUNITS: Hi. We had, in the meeting today, we discussed an update with Sean O'Hara and Vaira on the status of the virus. I can only say, with great deal of reassurance, the numbers are extraordinarily positive for us in Barnstable right now in Barnstable County. They continue to be in the single digit range. The number of hospitalizations is way down and all is looking positive for that.

We also talked a little bit, too, this morning about the budget. We talked about the audit advisory and Elizabeth will be joining us in just a minute if you want to get an audit summary from Elizabeth. We discussed that at length.

We approved the lease for the Extension Services. As you know, the Extension Service has to vacate the Probate Court by July 1. The Probate Court has some significant issues to deal with in terms of safe distancing, and they needed more space to begin with.

So Mike went out with an RFP, procured a lease, and they'll be moving out this month so the District -- the Probate Court can have access to the full courthouse accepting the Registry space beginning on July 1.

A number of contracts were ratified and approved throughout the County and that was basically it.

On the Dredge, the Dredge is presently in Harwich. It has two jobs to do in Harwich. I don't know if it's moved on to the second one yet. And by the way, the new push boat is in. The push boat is with the Dredge in Harwich so that's great news. So the push boat is fantastic. The team is really happy about it.

The older push boat is in the process of taking the old booster pump and towing it to Fairhaven where it will be dismantled and rebuilt and be back in service by the end of the summer. So that's good news.

And after the booster pump is dumped in Fairhaven, that push boat will return and work with the crews for two jobs in Falmouth. By the time those four jobs are completed and they will be completed this summer, we will have completed over 90 percent of the jobs on our schedules this year despite the winds, incredible winds, and despite the six-week shutdown for the virus that we had to endure.

So good news for the Dredge. And I'll take any questions on that or you can go right to Elizabeth.

Speaker MCAULIFFE: All right. Anyone have any questions on the Dredge at this point?

Administrator JACK YUNITS: Let me add one thing, Madam Speaker.

Speaker MCAULIFFE: Yes.

Administrator JACK YUNITS: I think there's just under 10 résumés that have come in so far on the Dredge superintendent's position.

Speaker MCAULIFFE: Okay. Great. Jim Killion, did I see your hand up?

Delegate KILLION: Yes, a couple questions, Jack. Actually first to the pandemic numbers that you discussed; how do those look and feed into the opening task

force? I assume the numbers are positive and this is being relayed as a way to try and get the Cape underway again. Can you speak to that at all in terms of what they're looking at going forward?

Administrator JACK YUNITS: Yes, if Vaira is on the call by any chance, she'd be the person.

Speaker MCAULIFFE: I don't see her identified.

Administrator JACK YUNITS: Okay.

Speaker MCAULIFFE: Oh, wait a minute. Maybe. Vaira, are you "Barnstable County"?

Administrator JACK YUNITS: Okay. Let me take it then, Jim. The numbers are our guidance. We could actually expedite some of these openings, although the Governor said there's a minimum timetable between -- three weeks between the various phases, between 2 and 3, that was the conservative estimate. You know, at the time we didn't know if it was going to be much longer or shorter.

But the fact that on the Cape anyway, 75 percent of our deaths, unfortunately, came in senior living/congregate care-type facilities. We don't see a lot of community contact here causing our problems down on the Cape. So I think we can feel a little more confident in pressing our case to the Governor that we are ready to go. It's, obviously, going to have to be carefully monitored. But we're in Phase 2 now coming up this weekend, and you should start to see hotels and motels and restaurants begin to reopen, restaurants outdoors only.

Delegate KILLION: And just one question --

Administrator JACK YUNITS: And retail, and retail with precautions in play.

Delegate KILLION: Okay. Thank you. Just one question on the Dredge, you said we completed 90 percent. Is that the jobs we had booked for the season or what that was remaining?

Administrator JACK YUNITS: Yes. Those are the jobs scheduled for the season.

Delegate KILLION: Okay. Thank you.

Administrator JACK YUNITS: All season, yep.

Speaker MCAULIFFE: Okay. I see Chris and then Lilli-Ann. Chris.

Delegate KANAGA: No, this is no big deal. I'm just going to ask if we can mute whoever's out walking their dog.

Speaker MCAULIFFE: I just muted the one who wasn't -- it might have been Deborah, yes.

Delegate KANAGA: Thank you.

Speaker MCAULIFFE: It could have been the other person who was telling someone not to jump.

Delegate KANAGA: Yes. Thank you.

Speaker MCAULIFFE: I'm sure someone's babysitting.

Yes, Lilli-Ann.

Delegate GREEN: Thank you, Madam Speaker. I had two lines of questions I wanted to ask Jack. As far as the pandemic is concerned, I've been asking this question it seems every Assembly meeting.

I do believe the Governor has a good plan of testing and contact tracing, and I

know that we've heard repeatedly that there is a shortage of tests available. I wanted an update about the availability. Do we still need a doctor's permission, and if you have no symptoms, can you get a test?

Administrator JACK YUNITS: Yes that's a great question, Lilli-Ann. The tests are starting to come in now. We've been having earnest discussions with Cape Cod Hospital about expanding our testing, and I think it's going to happen sooner than later. The hospital recognizes that we have to do more testing. We've only tested 5 percent of our population and that's not nearly acceptable under today's standards to get a fair benchmark on where we are and where we're going. So we have to increase that dramatically.

I know Sean has been working with the hospital on a daily basis to try to get that up and running. Andy and Phil at the testing center now are ready to do whatever it takes to open it up to the public at large, over time that is, obviously. But first to first responders, obviously, and people that work in congregate care, obviously. And then to gradually bring in opportunities for municipal workers who are going back to work and, eventually, the migrant population that supports our restaurants and hotels to make sure they're tested quickly as well.

So we are working on that, and I think it's going to happen sooner than later.

Delegate GREEN: Well, I really do appreciate all the hard work that the County and yourself, I mean, everyone in the County who's working on this is doing. Do you still need a doctor's permission and if you have no symptoms --

Administrator JACK YUNITS: Yes, at this point you do. At this point you do.

Delegate GREEN: Okay.

Administrator JACK YUNITS: For both tests, the standard test which we consider to be the more important test and the antibody test but that could change.

Delegate GREEN: Yes, because somebody called me -- the neighbor is a contractor who has a larger crew. Four of the members of the crew tested positive; they did have symptoms. Unfortunately, one died. The owner has no symptoms. He's frantic. He has a wife and three children and he can't get a test.

Speaker MCAULIFFE: Well, he needs to go to an urgent care or go to the emergency room and they will -- they will --

Administrator JACK YUNITS: And that is an exception. If you've been in direct contact with a person who's been diagnosed, you absolutely can get a test.

Delegate GREEN: You can.

Administrator JACK YUNITS: You should be able to get a test, yes.

Delegate GREEN: Okay. Well, I will pass that message along. The other thing I wanted to ask is I'm sure that you've gotten an update about the hearing that the Cape Cod Commission had about revising the Regional Policy Plan, or RPP, which we all recently adopted and voted to adopt. And there was a petition and a hearing on the petition last week. I was the only Delegate that was there. I did not see any of the Commissioners there.

But I did listen to the entire hearing, I will ask something I've asked a number of times, I think it would be really helpful if there was a tab on the County website that just said "Climate Change," and every department that is working on climate change

adaptation and mitigation, that whatever they're doing is listed maybe a sentence and a link to what they're doing. I think it would be really helpful for the citizens of Barnstable County and certainly the board members of the Cape Cod Commission to see all of the things that the County is doing. I think it's impressive and I think that that would really help to educate everyone (Inaudible) --

Administrator JACK YUNITS: That's an outstanding -- yes, I love that suggestion. I think it makes all the sense in the world.

Delegate GREEN: Right.

Administrator JACK YUNITS: And I think now that we have the Reopening Task Force, the reopening CapeCod.org completed and up, although it's got to be amended constantly in the next few weeks. We might have some time to start working on that. I think it's a great idea, Lilli.

I know I can say that the County hits to our website are about 70,000 a month now. And with this Reopening.org up, Sonya did such an incredible job with the communications team in getting that out. We're getting a number of hits constantly. So it would be a great time to do that. I'll speak with the communications team and see how long it would take to assemble that data. I don't think it would be long at all.

Speaker MCAULIFFE: Thank you.

Delegate GREEN: Well, I would appreciate a report back to us about that.

Administrator JACK YUNITS: Yes, absolutely.

Speaker MCAULIFFE: Was there anyone else who had a question for Jack? Yes, Brian O'Malley.

Delegate O'MALLEY: Yes, Jack, please. We've tested 5 percent of the population. What is the major limitation at this point? Are we still dealing with swabs, test kits, or is it personnel?

Administrator JACK YUNITS: Brian, you broke up a little but, yes, I think I got the gist of it.

Delegate O'MALLEY: What's in the way?

Administrator JACK YUNITS: Yes.

Delegate O'MALLEY: What's keeping us from getting more tests done? What's our limiting factor?

Administrator JACK YUNITS: Right now, it's really the protocols that you have to meet to get the test done. You have to be symptomatic and referred by a physician, or you have to show some symptoms and/or been in direct contact with somebody who's been positively diagnosed to get the test.

I think you're going to start to see that relaxed. In other hotspots, although we're not considered a hotspot by any means, we're in great shape, relatively speaking. In terms of the hotspots like Brockton and Somerville, what they did is they partnered with the local healthcare centers and they opened it up to everybody. No questions asked. You simply show them your license, give your name and address, and you're in the mix. That's what we'd like to see eventually down here. I think it will be extremely helpful to us, our business owners to be able to -- if they have some suspicions that one of their employees may have an issue to get him over to us as quickly as possible. And there may be a cost to the County for that. The tests are about \$100. They're not extravagant but we'll work on that with Cape Cod Healthcare and the Cape Cod Community

Healthcare Group, which is our -- every town is a member of that, and we do want to test as many municipal workers as we can as fast as we can. So we'll be working with them as well.

Speaker MCAULIFFE: Great. Mary Chaffee.

Delegate CHAFFEE: Thank you, Madam Speaker.

Delegate O'MALLEY: Can I follow through? Can I follow through with that?

Speaker MCAULIFFE: Oh, I'm sorry. I thought you were done. I'm sorry.

Delegate O'MALLEY: Jack, I appreciate that; are these limitations, these restrictions on first responders, direct contact, etcetera, are these state restrictions or are these simply a function of limited materials? Who's imposing those restrictions at this point?

Administrator JACK YUNITS: They were a function of limited materials but I think now that that type of crises is behind us. I know the Governor's goal is to be testing 30,000 people a day by July. So I would assume test kits are coming in at greater numbers than we were used to in the past.

Speaker MCAULIFFE: Great. Thank you. Okay. Mary Chaffee.

Delegate CHAFFEE: Thank you, Madam Speaker. I wanted to point out that I received an email from the Brewster Health

Director several days ago with information about two free testing opportunities. The first is the COVID-19 testing site for local government employees only. That's still operating at Gillette, testing by appointment, Monday through Friday for asymptomatic and symptomatic local government employees. It's free with preregistration.

And the second opportunity is open to the public. The Whole Health Pharmacy COVID-19 test collection site located at 596 West Main Street, Hyannis; it's a drive through testing site for asymptomatic and symptomatic members of the general public, testing by appointment. It's available through the end of June and it's free with preregistration.

Speaker MCAULIFFE: Thank you, Mary.

Administrator JACK YUNITS: Thank you, Mary.

Speaker MCAULIFFE: That's very helpful. Anyone else have a question for the County Administrator? Okay.

Ron Bergstrom, did I lose you again? No. I saw him get up and walk. Okay.

### **Summary Discussion with Finance Director Elizabeth Braccia**

- **Brief overview of the Financial Audit for FY19.**
- **Fund Balance increased by \$2.1 million dollars for FYE19**
- **Estimated increase to Unreserved Fund Balance form FY20 of about \$1.9 million**

Speaker MCAULIFFE: Now we'll hear from our Finance Director. Elizabeth, you were going to give us an update on some of the financial issues going forward from this point.

Finance Director ELIZABETH BRACCIA: Good evening, everybody. Thank you for letting me join you tonight. So a couple things; we received our Fiscal Year '19 Financial Audit. I'm going to give you a high-level overview of the audit. It was a very

positive audit. We only had one what we would call a funding, which we all know about is the capital deficit that we had. So it's good news. There was nothing unexpected in the audit. I'll just give you a just high level -- we had closed the General Fund, total fund balance at \$15.2 million. It was an increase of \$2.1 million over the prior year. Important to note about the \$7.2 million deficit in the Capital Fund which has now offset that \$15.2 million.

We also had a combined fund balance for all funds in the County, that includes the General Fund, all the Grant Funds, and Special Funds of \$46.7 million. The General Fund at \$15.2 million; Cape Cod Commission at \$5.2 million; Septic Loan Program at \$23.9 million; the Nonmajor Government Funds, aggregate of \$9.7 million, and then, again, the \$7.2 million deficit in Capital.

The General Fund increase was \$2.1 million, that is due to better than anticipated revenues and unexpended appropriations. Cape Cod Commission increase \$304,000 thousand. That was due to timing of expenditures and reimbursement of grants. Septic Loan decreased by \$1,000,000 million but that's always an ongoing as we loan out money and then we get the payments back. So it's very fluctuating. It's a great program by the way. Capital Projects decreased by \$717,000 thousand, and then a Nonmajor Government increase by about \$36,000 thousand, again due to the timing of disbursement receipt and grant funds.

So the Dredge Fund had a net position change of a negative \$177,000 thousand. In '18, it was a positive of \$46,000 thousand. That's, again, due to timing of invoicing, revenues coming in versus expenditures going out.

Here we go. I'm back on this screen. And then the final thing is we have to -- the auditors do every year what's called a report on schedule of expenditures for federal funding. We get a lot of federal awards. It's called the SEFA Audit. This is real good news. There were no sufficient deficiencies found. There are no instances of noncompliance, no audit findings, and the County was determined to be a low-risk auditee. That is great news that is attributed to all of the hard work by all the departments who manage their grants. Everybody does a really good job with that and that is proven by this audit that we received for Fiscal Year '19. And I have no doubt that we're going to receive the same in '20.

So that is just an overview of our Fiscal Year '19 Audit.

So now we're going to talk about our current year and what that's going to look like when we close out. So we started the year out with an Unreserved Fund Balance of 13.6 million. We had some transfers in. That was the accountant and I working together to close out some funds, so that brought us up to \$14.5 million Unreserved Fund Balance. We did some transfers out. Those transfers out are the votes that we had done all year long which was moving money to the Capital Deficit Fund, Grant matches. We had the Seaport Grant, the EVI, which was the Electric Car Changing Stations, and the Police Academy and a few others. We transferred out \$7.2 million dollars from the Unreserved Fund balance which left us at \$7.2 million Unreserved Fund Balance.

Now what we are expecting and this is a complete estimate as of this moment in time, best guess at what I think the expenses are going to come in, and it's the estimated end of year revenues. So it looks like we're going to close out about \$19 million in Revenues and \$17.7 million in Expenses, Estimated Expenses, which leaves us turning

back about \$1.3 million to the Unreserved Fund Balance bringing that balance up to \$8.6 million. So that is all good news and that was, again, the hard work of the departments who when we said, hey, we've got to put a spending and hiring freeze on, you know, as a great team, they looked at everything. We looked at every expense before we made it. We made sure that we weren't spending unnecessarily. So it's just everyone's done a really great job. Expect that we're going to be closing out around that number. So that's what I have on the financials.

One other thing I'd like to talk about is I think you're going to be having a financial ordinance in front of you guys, and I just want to talk a little bit about it.

So I think there was an unfortunate misunderstanding on how --

Speaker MCAULIFFE: Elizabeth --- This is not appropriate and not the time for this.

Finance Director ELIZABETH BRACCIA: Are you guys going to be bringing that ordinance tonight?

Speaker MCAULIFFE: I'm bringing the ordinance in but there will be a public hearing and an opportunity to speak on it. But it's not on the agenda and it's not going to be discussed at this point.

Finance Director ELIZABETH BRACCIA: Tonight? That's next week?

Speaker MCAULIFFE: There will be an opportunity at the next meeting.

Finance Director ELIZABETH BRACCIA: At the next meeting?

Speaker MCAULIFFE: Yes.

Finance Director ELIZABETH BRACCIA: Okay.

Speaker MCAULIFFE: Thank you.

Finance Director ELIZABETH BRACCIA: Well, that's unfortunate because it delays the CVEC process.

Speaker MCAULIFFE: All right. Yes, Lilli-Ann.

Delegate GREEN: Yes, Elizabeth, I wanted to thank you for the report today and the hard work that you and the department heads have done. However, I just looked again on my County email, and I didn't see any report that came to us or any synopsis or any slide deck or anything that helped us to understand what you were talking about when you were talking. I don't know if I missed something, but we've asked you and others to do that when you come before us to let us know so that's in our packets. Was there something there?

Finance Director ELIZABETH BRACCIA: Yes. Unfortunately, I didn't get a chance to do that because I was told about this, and I know I was off the last two days of last week so I couldn't get it out in time.

Delegate GREEN: Well, perhaps --

Finance Director ELIZABETH BRACCIA: I'm happy to forward that on. I would have.

Delegate GREEN: I would appreciate that. Thank you.

Finance Director ELIZABETH BRACCIA: Sure. No problem.

Speaker MCAULIFFE: I think going forward the audit information and all the financial information should be forthcoming. This was an update and not really a formal presentation. And you're right, I like to have the information if we're doing a formal presentation. This was just a down and dirty quick what's going on right now and then,

obviously, we'll get the information. But if there's going to be a bigger presentation or an actual agenda item then, yes, we definitely need the materials. I just wanted to make sure that we were aware of what was going on in terms of personnel, layoffs, furloughs, financial situations, just sort of an ongoing kind of thing. But we certainly can get the information that was talked about today.

Delegate GREEN: Or just even a short synopsis would be good I mean just to take a look at it and review it and understand more completely what Elizabeth presented. Thank you.

Finance Director ELIZABETH BRACCIA: Certainly.

Speaker MCAULIFFE: I saw the hand up. Okay. Did anyone else have any questions on financial stuff at this point? Okay. We'll move onto the next -- I don't see Ron Bergstrom. He disappeared again on me. All right. Thank you.

### **Public Hearings on Proposed Ordinances 20-08, 20-09, 20-10, 20-11, 20-12, 20-13 and 20-14**

Speaker MCAULIFFE: The next item is Public Hearings, so we will now have the Public Hearings, and it is posted as one Public Hearing for the seven ordinances covering seven leases. And this is on the photovoltaic leases regarding CVEC.

So what I'm going to do because it's a lot of material, I think even though it's one Public Hearing, I will just bring up each ordinance in numbered order, lowest to highest, and just bring it forward to see if anyone has any questions or comments or there's any comments from the public on these ordinances.

And then after we have the Public Hearing, we take public comment or if anybody has any specific questions that they need answered in this portion, they can get questions answered. And then we will then, when we convene, then discuss the ordinances.

Yes, Jim Killion.

Delegate KILLION: Thank you, Madam Speaker. Just a suggestion because Mr. Troy has done a great deal of work on all of these if, perhaps, it might be best if we have him speak to all of the information he's provided us rather than going through them one at a time, if that makes sense to people?

Speaker MCAULIFFE: Yes, I wasn't going to go into in-depth one at a time. I was going to bring them up to see if there were any public comments one at a time. Obviously, we can take a general -- take some general comments.

My purpose of having the Public Hearing, obviously, is to get questions and comments from the public. I'm not sure if there are any members of the public here and any questions and comments from the Assembly.

There is an enormous amount of material. It's very intense and very detailed. So I'm not prepared for the Assembly to go into the specific details of the legal opinions. I think generally, obviously, if there's some overarching statements and generalizations and information, obviously, we can accept that.

But it's not the intent of these hearings to suss out what's in each lease and try and fix it or change it or amend it. That's not the Assembly's job. Our job is to approve or disapprove. But I would invite Bob Troy. I'm going to unmute you. It's not working.

County Counsel ROBERT TROY: Here I am.

Speaker MCAULIFFE: Okay. Yes, Bob. So one of the Delegates wanted to know if you would make a few comments at the beginning just in general about the work that you did on the leases.

**County Counsel ROBERT TROY:** Right, yes. And first of all, the work that I did on the leases was at the request of the County Administrator initially and then at the request of the Assembly. And I have to report to you on the overall issue as to the issue of whether the County should lease some of its property for these projects. I have no opinion. That is not within the domain of my responsibility.

What my responsibility is is to protect the County officials, and that is the County Commissioners, the Assembly of Delegates, and the County Administrator. So the one issue that I am raising is before the County makes a decision on these leases, has the County done due diligence? Because as we all know, all of us who are County employees, and I'm a Special County employee under the statute, we are protected by a state statute if we are acting within the scope of our duties.

And acting within the scope of our duties means that we all have to do due diligence, and we have to make sure that we have sufficient information to make our decision whether that's in favor or against it. I don't have a dog in that fight but I have great concerns about the due diligence that has been expended and the unanswered questions that are portended by this lease.

So I first of all want to say this, the County Commissioners and the County Administrator did their job in filing the ordinances. And as part of that, they anticipated that the Assembly of Delegates would do its due diligence and review these leases.

Now the County Administrator is an excellent attorney, and if he were tasked with reviewing these leases as I was, I'm sure he would come to the same conclusions because the leases have blank pages. They're inconsistent. If you look at the array of them and keep in mind you're not dealing with one developer who's proposing to do all of them. They are all very, very different. And, frankly, they are so different that there are concerns about how these leases could have so many different conflicting provisions given procurement requirements. So what I looked at is how did we get to this place? How did both the County Commissioners, the County Administrator, and the Assembly get to a point that they are being faced to make a decision about leases which are on their face defective? If your lawyer in your own individual lives did work like this, you would be -- you would fire that person.

And so I think we have to look at what happened. What happened is that CVEC undertook to do this review and here when I talk about CVEC, I'm not talking about the officers who run CVEC. I know that Leo Cakounes certainly would have done due diligence. But what happened was that CVEC farmed it out to lawyers, who we have from the director of CVEC, were not representing the County but somehow the County paid them \$20,000 dollars to do work.

And so what my question is when you look at what I have given as a detailed analysis of questions and you look at what special counsel has raised, have we received - are you satisfied that CVEC's lawyers did their job? Did they do due diligence they owe the County? And I think the answer to that is, at this point, no. And I think what needs to be done is you need to have that information. You need to have the blanks

filled in. We don't need to be, you know, play lawyers in our everyday lives. If you have a contract to sign something or to lease something or to buy something, would you sign something that has blanks and has inconsistent information? I don't think any of us would.

So I think that everyone in the County to this point has done what they needed to do except now what needs to be done is somehow we have to get these questions resolved. And I don't know how to do that; I leave that to the Assembly. I suggested in my memo a Proposed Resolution but, obviously, I leave to the Assembly what they think is appropriate.

But the bottom line is we know that the attorneys that were paid by the County, and we have this in a document that was sent to us by CVEC, they didn't represent the County. And we have special counsel and I have done my best to identify issues. We need to get those answers to the issues because if we don't, then we will not have done due diligence and, once again, I remind you, you know, everybody should look at Chapter 258 which is the Torts Claim Act. That's our liability as individual County employees and Special County employees. We need to be assured that the people who the County is paying are doing due diligence to protect us.

So with that, other than that, I've stated my concerns. They have not been responded to and they have been available for some period of time. I've suggested that it should be remanded back to CVEC and let them figure it out and give us the answers that we need.

I will also say that one of the things I would encourage the Assembly to do is to look at the leases individually because the properties are different, the developers are distinct and different entities and, in addition to that, they have various components.

So, for instance, the County Farm lease, there is a huge amount of revenue to the County, and there are less issues with respect to the County Farm; whereas, the other issues which are with different developers, it's not the same developer that the rent that the County is getting is a dollar.

So I think this is the type of analysis that we need to do in order so that you make a decision, whatever your decision is, so that you can rely on a set of facts that are not disputed.

Speaker MCAULIFFE: Thank you. Any further questions or comments for Attorney Troy? All right. Okay. At this point, I don't know if CVEC or CVEC's legal counsel wants to say anything or you want to just proceed with the hearing.

This is the public part of the meeting for your opportunity to speak, so I don't want to deny you the right to speak. So if you want to make a general comment or statement or you want to wait until we've gone through the ordinances one by one just to bring them up and see if anybody wants to say anything and go from there. Are you wanting to make a comment now, Liz, or --

**Exec. Dir. LIZ ARGO:** I believe it's appropriate to speak at this point. Thank you, Attorney Troy. I mean I think there was a lot of misunderstanding on Attorney Troy's part even just, for example, for instances, the leases that are for a dollar are accompanied by a PPA and that's why they are a dollar. That's something that Attorney Scobbo and I don't know if Attorney Scobbo's review is going to be a part of this hearing or it be discussed, but he had a clear grasp of the construct of the contracts.

I think some of Attorney Scobbo's concerns are all easily answered, and I believe that what CVEC would recommend is that the Barnstable County follow a process that our towns follow. That is they have their attorney work with the developers' attorneys on specific issues should there be any. This is how we've done it for all 32 projects with all 20 towns.

So I think that your next course of action is to get your answers but you can't get them through CVEC. We are not going to make your issues go away. You need to have your lawyers talk to the developers' lawyers to make these issues -- to resolve these issues.

It's unfortunate we didn't get Attorney Scobbo's remarks. I found them on the website. They would've been handy to have them sent to us, but I did find them over the weekend. I distributed them. The developers are all ready to have their lawyers work with your lawyer and make the issues -- make the concerns go away.

They're all very manageable. The snow issue is a non-issue. The tax issue is a non-issue but it all needs to -- needs to be worked by attorneys representing both parties.

Speaker MCAULIFFE: Yes, and I think, Liz, just to be clear, it's not the Assembly's job to be negotiating the leases. It's the Assembly's job to approve or disapprove. It really is the County administration and the executive's job to do the lease work. We got legal opinions to determine if what we were looking at had any questions or issues or -- but it wasn't -- this is not work product that is going to, in any way, impact us doing any of the legal work or getting the lawyers together. That's not really the Assembly's purview. The Assembly's purview is to try and get as much information as we can and then move forward with that.

So, I just wanted to make that clear. Even though our due diligence is to make sure that we have everything we need, our due diligence does not include negotiating the leases.

Exec. Dir. LIZ ARGO: Okay. So it would, I guess, presume it would go back to County administration.

Speaker MCAULIFFE: Right, right.

Exec. Dir. LIZ ARGO: Okay.

Speaker MCAULIFFE: Yes, Jim Killion.

Delegate KILLION: Thank you, Madam Speaker. So I'm not sure who would answer this question whether it be Attorney Troy or Ms. Argo, but going back to something that Mr. Troy had in one of his memos. So who is going to resolve any conflicts between these leases and the County's leases? Is that something that the developers are going to manage or is that something beyond that scope? Where does that all get arbitrated? Is it all done at one time?

I mean I understand there's some issues relative specifically to the PV and its scope, and then there are other issues which appear to create some conflicts with existing leases the County has.

So would that be something that would be worked out between Attorney Troy and the developers?

Exec. Dir. LIZ ARGO: It could be. Again, that's -- without knowing what the concerns are, the developers' attorneys are the parties who you're -- if you want these projects to go forward, then your attorneys or the County's attorneys need to talk with

these developers and find a resolution for issues.

Speaker MCAULIFFE: Okay. Thank you.

Delegate KILLION: Could Mr. Troy just answer that question? Is he prepared and capable of tackling that?

Speaker MCAULIFFE: Attorney Troy, are you able to answer?

County Counsel ROBERT TROY: I did a separate memo which identified potential conflicts between the existing leases and the leases that are proposed in the ordinances, and I think that the answer -- the short and simple answer is that my recommendation it followed would resolve those if we simply had in a sense or a consent or a waiver of any objections by the three entities which I cited, then I think then those problems go away. In other words, for instance, the Trial Court has certain rights and the current stretch for the canopy over the Barnstable campus includes spaces which had been leased to the Trial Court. We want to make sure because the Trial Court's revenue is a very, very significant revenue stream. We want to make sure that that's okay with the Trial Court. If that's okay, then that goes away. With all of them, if we have the consent of the entities, then we obviate any problem for any potential conflicts. If they have objections, any of these three interests to it, then that is a different issue.

So, for instance, one of the -- the third entity was the pavilion, the Barnstable Village Association, some question as to the warranty that we will not disturb natural light 24/7 to go to the proposed facilities in the leases that are under consideration right now. Well, if there's going to be a problem there, then we would have to go to the next step and try to negotiate that between the rights that the existing leases have vis-à-vis the proposed leases. But I think the first step is the easier step and if we have the consent of those different entities then I think those issues go away. But we haven't done that and we'd have to go down that road and see whether they're willing to do that.

Speaker MCAULIFFE: Jim, are you set?

Delegate KILLION: Yes, so I think the answer to the question is yes, that Mr. Troy will be able to facilitate that between our -- basically the tenants and anyone else with an interest between the County and the developers.

County Counsel ROBERT TROY: Yes, that's the answer.

Speaker MCAULIFFE: Thank you. Yes, Lilli-Ann.

Delegate GREEN: So I'm just trying to understand this. So the initial leases that are before us, were they developed by the proposed developers or by BCK Law, which I presume is your attorney or CVEC or how were they developed?

Speaker MCAULIFFE: Liz Argo.

Exec. Dir. LIZ ARGO: Sure. So the leases and the Power Purchase Agreements which, in most cases, go hand-in-hand were developed over a long process, initially by BCK Law, then Anderson Krieger has been our firm representing us in the last round of request for proposals. A lot of the regulations have changed from 2011 when we developed our first 16 megawatts. So the leases and the PPAs do have to be reviewed and modified fairly constantly. So that has been most recently handled by Anderson Krieger.

We do have BCK back on board reviewing some of them in light of the smart revisions. I know that these are terms that are unfamiliar, but the state's incentive program is called SMART. It just released revisions on April 14 in order to have all of

our contracts reflect an improvement in the public entity adder. We had to create an amendment. We brought BCK on for that, for instance. So we do use both of those firms. They work together quite often quite well, but CVEC is certainly not a legal entity. So, yes, we reach out to the lawyers to develop the contracts which are constantly under review and improved so that they follow along with the regulations as regulations change.

Delegate GREEN: So this --

Exec. Dir. LIZ ARGO: The developers who are then -- these were advertised in the request for proposals, they're called Specimen PPA, Specimen Lease. The developers then take those contract specimens which, generally, they've already seen because we've been working with these developers for years and they may make adjustments and comments.

There's then a negotiation process that our lawyers and their lawyers go through which is quite lengthy and contracts emerge revised from that process.

In addition as I mentioned, some of the towns will have their town legal advisors review the contracts as well. And if they need -- if they feel they need to reach out to the developers for certain changes to the contracts specific to their concerns, then we connect those two parties and they have a conversation and the contracts that you have in your hands are a result of all of those processes.

Delegate GREEN: So I have two other questions. So that's the \$20,000 dollars in legal fees that have been billed to the County?

Exec. Dir. LIZ ARGO: Correction, it's not a \$20,000 dollar legal fee bill. I sent a memo to Attorney Troy. The \$20,000 dollars is for development and legal fees. It includes many items which I itemized for him. For instance, when we advertise in the Cape Cod Times, which we have to do by law, there's a fee involved with that and it was about a thousand dollars. We have to hire a consultant, for instance, to do the site visits. All of these sites have been reviewed -- visited by CVEC and the developers numerous times and so we have to have that paid for. And, again, I don't think I should go and do the list. But the \$20,000 dollars is for a lot more than legal fees.

Delegate GREEN: Okay. Then help me to understand why if Attorney Troy and the energy attorney has issues that are legitimate in my read and need to be addressed why the County would have to go directly to the developer and not through BCK Law or another one of your entities to do the negotiations and why --

Exec. Dir. LIZ ARGO: We don't represent the developers and we don't represent you so, therefore, you have to --

Delegate GREEN: I would represent the -- I just don't understand. If BCK Law and your other law firm have taken that role on, why the County would have to -----

Exec. Dir. LIZ ARGO: They're unfamiliar with your concerns. They're not -- they are not familiar with your concerns. So they can't represent you.

Delegate GREEN: Well, it's not the job of the Assembly, but I was just curious about that. And, also, I was looking at your list of what CVEC provides under this kind of an agreement. And your fees are approximately \$19,000 dollars a year and it says, "Represents the County's interest in disputes with local utility or with developer."

So if there were issues along the way as we were going through the contract years, assuming that eventually these contracts are going to be approved, do you just

bounce it back again to the County and the County deals with the developer or does CVEC as well?

Exec. Dir. LIZ ARGO: No. At that point, you have a contract that you have all agreed to and we represent you in the contract disputes. So, for instance, right now we have a default, for instance, that's ongoing with the Town of Brewster and Harwich with a developer. CVEC is representing the towns in that default proceeding. Now the towns have chosen to also have their Town Counsel weigh-in. That is a choice and once we have contracts in hand, CVEC is willing to represent you as the party. In fact, CVEC is the party that is contracted through the Power Purchase Agreements. It is not going to be the County that is contracted through the Power Purchase Agreements. You are contracted through the leases now so. But we represent you in the lease discussions as well. They all are interrelated, the PPAs and the leases. So as CVEC is the contracted party with the PPAs, we are involved in those contract negotiations and take the lead.

In the leases, which is a very specific concern here at Barnstable County, it's a different -- you have a different bunch of issues, and I think Attorney Troy has highlighted them quite accurately and that you have different leaseholders and that is not something that CVEC is familiar with so it would require that you have your representation in those circumstances. Once the terms are determined and in a contract, then we can have CVEC and CVEC's attorneys represent you. But we can't -- we're not in a position to create those provisions. You need somebody who understands your concerns to create the provisions.

Speaker MCAULIFFE: Thank you, Lilli. Liz, I had a question. One of the suggestions from Attorney Troy was, you know, some of the leases might be more appealing than some of the other leases. So let's say the County decides it wants to do a few of the leases because they can't get a sign off from the courts or something; they have a problem with one of their leaseholders. Is there an ability to pick and choose certain leases or is it kind of an all or nothing or a package deal?

Exec. Dir. LIZ ARGO: No. Each one is independent.

Speaker MCAULIFFE: Okay. Good. Thank you. Anyone else have any questions? As I said at the beginning, because I have some people who I don't know who are listening and I don't know if they're here to comment, so I am just going to read off the ordinance number and what the ordinance is for and see if there's anyone who has a comment on these particular things and these are the ordinances for the leases.

So the first ordinance is Proposed Ordinance two -- 20-08, and this is the lease agreement between Barnstable County and Select Energy for, excuse me, Select Energy Development, LLC, for a Rooftop Photovoltaic Facility at Barnstable County First District building.

Is there anyone here who had a question or comment on the Rooftop Photovoltaics for First District? All right.

The second lease is Proposed Ordinance 20-09 and this is for the Rooftop Photovoltaic and this is between Select Energy Development, LLC, and Barnstable County at the Barnstable County Lab building. This is right on the main campus. Anyone to comment on that?

Anyone have comments on Proposed Ordinance 20 -- did I miss one -- I did, okay -- 20-10, and this is a lease agreement between Barnstable County and Alliance

CVEC V LLC for Rooftop Photovoltaics, oh, excuse me, and the Select Photovoltaic Energy Facility at the County Registry of Deeds on the main County property. Anyone here to comment on the rooftop Registry of Deeds? Okay.

Proposed Ordinance 20-11, is there anyone here to comment on the Barnstable County and Greenskies Clean Energy LLC Agreement for a Canopy Photovoltaic Energy Facility and this is ground space over the parking lot. Anyone who wants to comment on this? Seeing none.

The next Proposed Ordinance is 20-12 and this is to authorize the Barnstable County to have a lease agreement between Main Street Solar, excuse me, for Ground Mounted Dual Use Solar Photovoltaic Energy Facility and this is at the Barnstable County Farm. So this is the Farm Photovoltaic lease. Okay.

The next lease Proposed Ordinance for the lease, it's 20-13, and this is for a Canopy Photovoltaic Energy Facility at Rock Harbor in Orleans, and this is a, as I said, a canopy so it is the parking lot photovoltaic at the Orleans District Court property. Anyone want to comment or question on that?

The next item is Proposed Ordinance 20-14 and this is the Roof Solar Photovoltaic at Rock Harbor Road, Orleans, the Orleans courthouse in court property down in Orleans. Anyone have a comment on that? Any questions? Okay.

In general, is there anyone here who wishes to speak during the hearing who hasn't been recognized. I see a couple names and a couple phone numbers I don't know.

John Ohman, did you have your hand up? Did you have a question?

Delegate OHMAN: Yes, I wanted to know how far along we've gotten with the Barnstable -- Town of Barnstable Conservations Commission regarding the leases at the Farm if they're going to -- if they're onboard, if there's been any -- what contact and how far along we've gotten with that particular aspect of that lease arrangement?

Administrator JACK YUNITS: Yes, I can reply to that, John. We haven't -- except for having a general overview meeting with the Town Manager in Barnstable, we haven't got specific with any of the Barnstable groups yet because it would be premature. Until we start to have leases or contracts in play, we weren't going to get into that because that's the developers job, not ours. If the developer can't get these permitted, he's out on his dime, not ours. I didn't want to get into the expense of hiring lawyers and consultants to do the permitting. So that's part of this contract.

I do want to go back to what Bob said though because he nailed it. Everybody had a role to play on this, and it was always our intention that these contracts were a long way from over. But we needed Bob to look at them and he did. And the Speaker we knew would want to have the Assembly counsel and not only did she chose, she chose wisely because the report that you have now from Scobbo's office is tremendous, and it's the bullet points that Bob will use when he starts to negotiate with the developers on these specific points.

For instance, these companies often times default and these companies often times have taken over. I want to have some provision -- and when we negotiate these contracts for the final time, I want to have provisions in there that say the County has the right of first refusal to purchase this equipment if they want to at fair market value, obviously.

The second thing is that all these contracts regarding the Trial Court have to be

conditioned of the written signoff. That has to be a condition precedent to these contracts finally being approved. The Trial Court's very much aware of what's going on here, but they're not going to commit to us one or the other until they see the final plans. We were insistent with the developers and the developers were great about it that when these plans were drawn up that we would lose no parking spaces.

So, there's still a lot of work to be done here, and by hiring Scobbos's firm, the Assembly did a great job, a very important part of this whole project and gives Bob the game plan to go back to the council -- go back to the council for the developers and negotiate a final solution, which we may or may not be able to do.

The worst-case scenario is we don't come to an agreement with the developers and we have to go back out to bid for certain parts of this project. Remember we have multiple developers here, so the farm is a completely different developer than the courthouse project.

So, remember, we tried to get our own consultant and we couldn't get one. We put out the RFQ and nobody applied. We made calls, via Sue Moran, and we couldn't get anybody interested. CVEC came in at the last minute and did a great job pulling it all together to give us an option anyway to try to do this development.

And I'd say everybody on your side has done a great job working with us. I commend the Speaker on her promptness in getting a report like this back so quickly. It's a wonderful asset to have for us and we'll get it done one way or the other.

So that's where we are. We haven't had discussions with the town. I promised Ann Canedy and Joe Berlandi that we would have a meeting at some point with the village. And if we get beyond this point, we'll initiate that.

Speaker MCAULIFFE: And, Jack, I did get a call from the head of the Regional Historic District, Old King's Highway, and the advice from Richard Gegenwarth was that most developers when they are developing big projects in the Historic District will work with their local Historic Committee and in this case for the County it would be Barnstable to ensure that there aren't any glitches or problems or issues that can't -- that come up when they come for the hearing. They need to be able to present something that's going to be passed.

Administrator JACK YUNITS: Right.

Speaker MCAULIFFE: So they need to know that going -- starting at the beginning not presenting with a project that's been developed and then Old King's Highway decides that it's too visible or too -- whatever Old King's Highway has an issue with.

So just a suggestion that he said make sure the developers are going to -- before they're coming forward, just do a work with to make sure that they have a successful project.

Administrator JACK YUNITS: That's great. Yes.

Speaker MCAULIFFE: That was a common practice. It was uncommon to have large projects come in that hadn't ever talked to them.

Administrator JACK YUNITS: Yes.

Exec. Dir. LIZ ARGO: And I could mention that that is common practice certainly. We have, for instance, a very large project at Sandwich High School. The parking lot for Sandwich High School is going to be covered by canopy, and we went to

-- the developer went to the Old King's Highway for that project.

But we're so much at the beginning here --

Speaker MCAULIFFE: Right.

Exec. Dir. LIZ ARGO: -- because we're stalled. And that's why I actually went out on a limb and I said, "If you can in any way bring these contractors in to start their processes because this is going to be a long process. And meanwhile, the state incentive programs are rapidly filling. And the way you do that is by getting these -- even it's contingent upon legal approval, you're at least signaling to the developers that you do have the desire to see these projects go forward.

So, you know, we would like to try to help you as the developers and CVEC to make this go forward. So we're sort of disappointed that we're at a second hearing and third presentation, a fourth presentation through CVEC's viewpoint, but I hope we are getting closer.

Speaker MCAULIFFE: Yes, well, I think we are. I think the issue before the Assembly is to gather all the information that it can and then determine the best course going forward. You know, this is a huge project that came in fast, and as Jack mentioned, it was yeoman work on the part of the Clerk contacting someone who could get us a reputable and available energy lawyer. Literally, we started before the last meeting with the idea that if we could get someone to get an opinion before the hearing today that we would have enough -- a little bit more information.

So things came together but they came together because of the work -- hard work of the Clerk and follow up and the follow through and getting someone who could deliver literally in two weeks. So we were fortunate.

I heard you loud and clear the last time you wanted this to move quickly.

Exec. Dir. LIZ ARGO: Thank you.

**Speaker MCAULIFFE:** It wasn't just you, Liz; it was the Assembly. All right. At this point, are there any comments or questions from anyone just on the Public Hearing?

Okay. **Then I'm going to close the Public Hearing on Ordinances 208, 209, excuse me, 20-08, 20-09, 20-10, 20-11, 20-12, 20-13, and 20-14, and we will be discussing these when the Assembly convenes.**

Speaker MCAULIFFE: Any communications from Public Officials in general? Any communications from members of the Public? Okay.

### Assembly Convenes

### Discussion on Proposed Ordinances 20-08, 20-09, 20-10, 20-11, 20-12, 20-13 and 20-14

Speaker MCAULIFFE: That will end then the public session and the Assembly will convene. We will have a discussion and vote on the seven ordinances for the seven leases. So before us are the seven leases. We have two legal opinions and we've heard from Attorney Troy and there are some details in each of the legal opinions that would merit some further review, some further discussion, some further, perhaps, amending of

leases. So I think the question before the Assembly will be how do you want to go forward on these leases?

So I'll take comments. Chris, are you -- yes, Chris Kanaga.

**Delegate KANAGA:** Thank you. I appreciate it. I think I may have made the suggestion before, but my feeling would be that we approve these leases contingent on the resolution of any possible conflicts with the existing leases. What Mr. Troy was suggesting would be either waivers or consents from the other leaseholders as well as the working out of the various details that were cited in the second legal opinion with the developers if that's the correct process.

**So with those two parameters that they get back to us with resolutions of those, I would give -- like to move that we approve these with that contingency.**

**Speaker MCAULIFFE:** So the motion is to approve with contingencies that not only the concerns of Attorney Troy with the leaseholders, the concerns of the energy attorney are dealt with, would you be willing to say like on an item-by-item concern or just in a general way?

Delegate KANAGA: I think in a general way that they undertake that work to work out these issues with the other parties. And if they can get back to, you know, get back at our next meeting with resolutions, proposed resolutions, whatever, I'm okay with it. But I would like to move the ball a little further along by giving a contingent approval.

Speaker MCAULIFFE: Okay. A contingent approval. Okay. All right. Yes, Brian O'Malley.

Delegate O'MALLEY: Thank you, Madam Speaker. So, I'm interested in the perspective, Chris, that Delegate Kanaga's put forward, and I'm not clear that once we approve these ordinances we will -- we still retain the ability to further work them.

Are we binding ourselves? I think some very real concerns have emerged. As everyone is aware, I'm a real proponent of developing our alternative energy and moving forward. And I have applauded the work that's been done, but I also don't want to bind ourselves into a bad trap with a sense of urgency that's not entirely realistic. If this takes months, it may be safer. Liz Argo has raised the concern that we may fall further down in the cue and our reimbursement returns are not going to be as good.

But I think they're real concerns so that I'm interested in moving forward but I don't want to get trapped. If the Delegate from Orleans' suggestion is actually a workable method that we approve in essence what's going on, can the details be subsequently worked out?

Speaker MCAULIFFE: Let me clarify. Chris, you made a motion.

Delegate KANAGA: Yes.

Speaker MCAULIFFE: Yes, okay. Is there a second to that motion?

**Delegate OHMAN: I would like to second that.**

Speaker MCAULIFFE: Somebody seconding and Brian O'Malley. Okay. So we are discussing the concept of giving -- I don't know if we can give -- I don't think we can call it conditional approval. I think we either approve it or we don't approve it or we -- if we don't approve it, we could also just send it back to the administration for further work and then it comes back to us. So there are really three options at this point: approve, disapprove, or send back without a vote.

So we have a motion on the floor right now to approve with the caveat that there will be -- the legal issues addressed by two attorneys will be dealt with. We will have faith that the administration will do that and do it to our satisfaction.

Delegate KANAGA: Correct.

Speaker MCAULIFFE: But we won't see it again. We'll just approve it.

Yes, Mary. Mary Chaffee.

Delegate CHAFFEE: Thank you, Madam Speaker. I'm going to support the Delegate from Orleans' motion here because it -- if passes, it signifies that we're serious about these projects but it gives us a safety valve. It lets the experts get together and work out the details that we here shouldn't be engaged in. And I think it's a smart and it's a safe way forward. Thank you.

Speaker MCAULIFFE: Patrick Princi.

Delegate PRINCI: Thank you, Madam Speaker. I do understand and I do agree that this should certainly be moved on. It's something that we've been talking about since the Regional Policy Plan through the Commission when many felt that there wasn't enough in there regarding climate change.

However, based on the information brought to our attention by the attorney today, it does give me some concerns and certainly we don't want to be held accountable for any of the Torts and Claims Act. When the attorney mentions that there's missing -- there's blank pages and there's missing, inconsistent information, that raises some red flags. But at the same time, it doesn't certainly, you know, dwindle any of our support for going forward aggressively with these types of leases.

It would be my suggestion as what happens in most legislative processes where we simply follow through with what the advice is that we receive from our attorney, we kick it -- we don't take any action or we don't approve any of them. They go back to the Commissioners' office. The leases are reworked appropriately, comes back before us, we review it quickly.

And, Madam Speaker, I'm sure that based on how fast you've moved through all of this process so far, which is very much appreciated, I don't feel that it's going to be any major delays. But at the same time, I know it's going to protect us as elected officials in our representation to our constituency.

Speaker MCAULIFFE: I saw -- Mary, you have your hand up and I also saw Jim Killion. Yes, okay. You took your hand down. Okay. Jim Killion.

Delegate KILLION: Yes, thank you, Madam Speaker. I echo the sentiments of that. I don't think we need to vote on ordinances of which we don't have no idea how they will conclude at this point. We've invested \$30,000 dollars at this point in the project. I think we've demonstrated a seriousness to follow this through.

And just from a logistical standpoint, you know, what would be the process? If we approve these ordinances as they are, they would have to be amended at some point. I'm just not sure if that's -- we know they would have to be amended, so I'm not sure that that's the easiest way to go about it. I think we can certainly demonstrate to the developers that we are serious because we want to get these leases right in the first place.

So I will be in favor of pushing these back, getting them done, getting them done right and then moving forward.

Speaker MCAULIFFE: Okay. Yes, Linda Zuern.

Delegate ZUERN: I agree. The details should be done before we vote on any of the ordinances. So I would be against this.

Speaker MCAULIFFE: Okay. Lilli-Ann Green.

Delegate GREEN: I agree with the last three Delegates. I think we have the duty to our constituents and to the citizens of Barnstable County with the 220,000 plus citizens to get this right.

And I think it's wise for us to send it back, have the work done, and then have it come back to us with the assurance that it's to the satisfaction of every Assembly member and that we have the approval step-by-step from Attorney Troy of what's been done, how it's been negotiated, and how the issues that he's raised and the energy attorney have raised, have been addressed to the satisfaction of Attorney Troy. Thank you.

Speaker MCAULIFFE: Tom O'Hara.

Delegate O'HARA: Yes, Madam Chair. Thank you. I was just wondering at what point along this road does the public have their -- become aware of the projects that are being proposed and how it might affect their properties if they're abutters, direct abutters, or maybe whether it be the Old King's Highway group and concerns about the canopies in the parking lot. I'm a big fan of rooftop, canopies not so much. I think it detracts from the beauty of Cape Cod to be honest with you.

But I'm also concerned about the neighbor and the neighbor's rights. Do they have a voice here at all or is that further down the line?

Speaker MCAULIFFE: Well, at least from our perspective, the Public Hearing which is in the paper is sort of the Assembly's way of letting everyone know that this is going on. And I will let you know that we did let every leaseholder know. We let everyone who abuts, in terms of the businesses, abuts these properties where there was a list of 15 or 20 interested parties that we had notified of the hearing to see if they wanted to make comments or if there was something that anyone wanted to comment on.

But, you know, I know one of the issues is some of these entities have not seen the leases. So I think until they do like their official review, they may not have a comment.

But in terms of abutters, you're absolutely right. We ran into that with the Lab, the new County Health Lab up in the corner of the parking lot that there was a noisy vent up there the neighbors were not happy about and no one knew that that was going to be an issue.

So, I don't know if it's Old King's Highway. I don't know if we need to do more outreach or more, you know, I'm not exactly sure. Yes, Liz has her hand up. She might have the answer to this.

Exec. Dir. LIZ ARGO: Part of the permitting, as I say, this is -- we were just at the very beginning of trying to make these projects a reality. These contractors are going to have to get permitting through. And so as part of any permit, you have to notify all abutters and, so, there will be more opportunities for neighbors to plug in and hear about the projects.

Speaker MCAULIFFE: I apologize. I didn't suspend the rules; it just occurred to me, but that was a valuable answer and retroactively I think we suspended the rules

by via Zoom. Thank you, Liz.

It's just so disorienting having any sort of parliamentary procedure with technology. So, anyone else? Yes, Chris Kanaga, I see your hand up.

Delegate KANAGA: Thank you. While judging from the response, I guess I would ask a hypothetical. Suppose there was a resolution to say that the Assembly was favorably disposed to the granting of leases for the purpose of solar energy generation provided that the details and I agree there are very many. The attorneys were asking for guarantees of energy production from the manufacturers and so forth. There's a lot of valuable comments in those opinions, including the consents of the other lessees.

So if there was a resolution rather than voting on -- favorably on the ordinances 08 through -- 20-08 through 20-14 if there could be a resolution that simply said that we were in favor -- favorably disposed to granting leases provided they are expeditiously resolved, the concerns that were expressed; is that possible?

Speaker MCAULIFFE: We don't have on the agenda a mechanism for resolution at this point. It would have to be -- because it's a vote of the Assembly, we certainly could have that resolution and certainly vote it but it would be at the next meeting.

Delegate KANAGA: Okay.

Speaker MCAULIFFE: It would be another meeting's delay.

Elizabeth Harder.

Delegate HARDER: Thank you, Madam Speaker. I don't see how I can in any good conscience vote on something that I know isn't finished or done or correct. So, I don't understand why we can't -- we managed, thanks to you and Janice, we managed to get so much information that we asked for in the past two weeks, what is the harm if we don't approve these leases for another two weeks until we get the answers we need?

Speaker MCAULIFFE: Yes, I think that's an unknown. I think there is definitely a deadline and the longer the deadline is dragged out, the bigger risk in terms of the financial payback. But I think that's the risk thing.

Can I suspend the rules again and have a response from Liz? Everybody put your hand up if that's okay?

Speaker MCAULIFFE: Okay. Liz Argo.

Exec. Dir. LIZ ARGO: I just wanted to mention that we have had one developer, for instance, ask us for a letter of intent because CVEC is a contracting party as well, and we're not willing to do that without more comfort with the County ourselves because there are certain ramifications that puts us into a position.

So I think it's important that you understand that the developers -- they have a certain amount that they've already invested by bringing the first negotiations forward, and I cannot represent them here and tell you that they are going to stay with this process. So that's one reason.

I, again, say what we usually do with the towns to give the developers the comfort they need is the Boards of Selectmen knowing that the lawyers still have issues that need to be resolved, they always -- this is the way they do it -- they approve contingent upon legal approval.

So I don't -- I'm really not trying to be pushy. I'm just realizing that the developers are not here to state their willingness to go forward. So I would just represent them in that aspect and let them know they're already pushing CVEC for some

kind of evidence that this is really being in all good faith going forward.

Speaker MCAULIFFE: To that end, I might think that with the motion on the floor to put it forward, I don't think the Assembly necessarily wants to go on record as turning down the ordinances because they don't feel that they're ready.

If there is a vote that ends up on the motion in that way, it may be and maybe there is somebody who wants to go forward and take the vote and take that risk. To me, that's a more negative option than the Assembly taking the position that you would refer the leases back for a legal congruence or legal amendments or legal comfort, whatever, and that they come back before the Assembly and, hopefully, it would be quick. It would be a two-week time.

So I don't know if Chris and John want to go ahead with the vote or rescind the motion and the second. John, I see your hand up.

**Delegate OHMAN: It's not hard to read the feelings of the Assembly in this particular point in time, so I would like to respectfully withdraw my second.**

**Delegate KANAGA: Well, since I'm normally a fan of letting people have their sentiments on the voting record, I reluctant to withdraw the motion. So I think those -- that the motion can fail for want of a second if that's the way it goes, and at least my opinion will have been expressed and other people have expressed theirs and let it be what it is.**

Speaker MCAULIFFE: So right now we have a motion that was not seconded. So this would be then and we would not be taking a vote. I would take the -- have the Clerk remand the leases back to the County administration, and they can take the information that they've gotten from the Assembly's conversations and opinions and try and get the legal amendments/issues/things straightened out as rapidly as possible and, hopefully, back before us at the next meeting.

Yes, Jim Killion.

Delegate KILLION: Yes, thank you, Madam Speaker. You know, given that we -- because of the time constraints, we could not move forward with the resolution from the Delegate from Orleans. Would it be possible we can simply vote to have the Speaker send a letter with that sentiment that we are, you know, in principle in favor of these leases but we have details to work out? That would demonstrate to these developers that we are serious and we are going to be moving forward with them or, perhaps, that will help with this process which seems to be of concern to folks.

**Speaker MCAULIFFE: Yes, it certainly -- I would certainly entertain the idea that I would -- we would be happy to write a letter to ensure that it's something that the Assembly supports and is just working out some minor legal amendments or issues that should be handled as expeditiously as possible.**

**So I'm thinking -- I'm not even sure we need a vote. You know, you requested that the Speaker write that letter and I guess I would hear if anyone would have an objection.**

Delegate KILLION: We could just make it a motion and put it to a vote if --

Speaker MCAULIFFE: Okay. Just that there isn't a vote for that on the agenda is the issue but there was a vote on the ordinance.

Delegate KILLION: Yes, but it's relative to the proposed ordinances.

**Speaker MCAULIFFE: Right. Okay. All right. We can make that a vote**

**then for a letter of support on the concepts of the leases pending working out the legal logistics.**

Delegate O'HARA: Fair enough.

Speaker MCAULIFFE: Elizabeth Harder.

Delegate HARDER: You may not be able to see him but Brian O'Malley had his hand up.

Speaker MCAULIFFE: Oh, okay. Brian. No, I was going to go to him next.

Delegate O'MALLEY: Thank you, Elizabeth. I'm wondering if it would be appropriate to offer a motion to lay on the table until a time certain the next meeting. Given the fact that even a letter of our intent can't come before us as a resolution until the next time, we can't accomplish anything really today, although the letter I think is a good idea. And let's just lay this on the table so that it doesn't look like that we've failed to act or are in some way in opposition.

Speaker MCAULIFFE: The problem with laying it on the table is it sits in our bin. I want this to be handled by the appropriate governmental body and the people who are going to be working out the legal issues. It's not what we will do. We certainly will make all our information available and they probably will even consider perhaps using Attorney Scobbo for a little bit more help if he's available and certainly Attorney Troy.

So, I want, you know, if we take no action on this then perhaps we should vote to remand it back to the County for further work.

Delegate O'MALLEY: I think that would be acceptable. I simply don't want to leave us without acting on these. These are agendaed items that were called for a vote. I don't want to leave today without acting on them in some way to say we're going to move them forward.

Speaker MCAULIFFE: Okay. Lilli-Ann.

Delegate GREEN: Was that a motion, Madam Speaker?

**Speaker MCAULIFFE: Yes, a motion that we remand this back to County administration for -- to work out the legal details.**

**Delegate GREEN: So I'll second that motion.**

Speaker MCAULIFFE: Okay. Yes, roll call vote please.

**Roll Call Vote to Remand Proposed Ordinances and Leases via letter to County Administration to address legal issues and concerns pointed out by County Counsel and Special Counsel**

**Voting "YES" (84.46%): 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), 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).**

**ABSTENSION (0.93%): Deborah McCutcheon (0.93% - Truro).**

**VACANT (14.61%): Falmouth.**

**Clerk O'CONNELL: Madam Speaker, on your motion, it passes with 84.46**

**percent of the Delegates voting yes; .93 percent are voting present or abstaining, and 14.61 percent vacant.**

Speaker MCAULIFFE: Deborah, I apologize. I did not know you were wanting to be recognized. I had you muted because there was a dog barking.

Delegate MCCUTCHEON: That was my dog.

Speaker MCAULIFFE: Yes, I know and I muted you and I apologize because I didn't know you wanted to be recognized. So, please, if you wish to you can make your comment now.

Delegate MCCUTCHEON: In listening to this debate and reading these leases, it occurred to me that there really needs to be just a coordinator at the Assembly level to keep it moving because there is competing interests of the parties. And I should think you could appoint a one or two-person team to simply get loose the places that are just stuck as you have meetings with these contractors and that you could very likely end it in two weeks but more likely it would be two more sessions to report to the Assembly. But I think you show the interest in the project by not sending it back to somebody who's already seen it and brought it to you.

So that was my concern. I think it's an easy one to do because looking at this you can see there's a lot of contradictory information. I mean somebody with a good legal mind can straighten some of that out in just a very short term so.

Speaker MCAULIFFE: Yes, and I think that the Assembly really doesn't have the ability or the resources to get it done as quickly as the County is, and the vote is to send it back to the administration. And the difference is they now have two in-depth legal opinions with specific suggestions that they can tackle, you know, bullet by bullet.

Deputy Speaker MCCUTCHEON: Well, it was obviously too late so thanks anyway.

Speaker MCAULIFFE: Okay. I'm sorry, Deb.

Delegate MCCUTCHEON: That's okay.

Speaker MCAULIFFE: And in terms of the letter, the Assembly will -- I will, on behalf of the Assembly, write a letter stating our support for the concept pending all the legal intricacies being ironed out.

### **Summary of Committee Reports**

- **Delegate O'Malley provided the delegates with a brief update on the Human Rights Advisory Commission meeting actions**

Speaker MCAULIFFE: Okay. We have next on the agenda Committee Reports, and Brian O'Malley had attended the Human Rights Commission Zoom meeting today, so I asked him -- he offered and I asked him to give us an update on that.

Delegate O'MALLEY: Thank you, Madam Speaker. So, today, I believe this actually was -- this meeting was -- a Zoom conference was initiated, I believe, by Chief Fred Fredrickson -- Frank Fredrickson of Yarmouth.

On the call were over 50 people at least a half dozen Police Chiefs from the Upper and Mid-Cape. None of the Chiefs from the Lower-Cape beyond Brewster were on this call. And the gist of the call was to inquire about the processes the departments

are using for education, training, dealing with officers who are reported who have records of inappropriate behavior, how that process is done. There's only a couple of cases -- there's only a couple of departments on the Cape that actually wear body cameras. There is an effort being made to make that more -- more standard and more routine.

I think one of the -- over and over what we're hearing is that the departments have -- all have processes for how this is approached. It's very clear they haven't been, but that they are individual. They are department by department. There's no set of general standards. And on a certain level left unsaid through the whole conversation, and this went on for an hour and a half was how to explain the fact that these processes clearly are failing in some jurisdictions. We haven't seen it too badly on the Cape, although, this is parenthetically, there was a march down here the other night where several pretty egregious instances of Lower-Cape police departments were reported.

At any rate, the outcome of this is going to be that this will undoubtedly become a recurring forum. A number of the participants, this is a theme that I suspect will emerge, a number of the participants are calling for civilian review boards to be established within or parallel through the departments to handle these kind of things in order to give a greater sense of transparency about how incidents are being handled. There is a general concern that things get covered up and not reported outside the department.

And, in fact, there's a fair amount of wiggle that we heard from each of the chiefs about just how they handle it, how much is made public, and when and how things are protected. So, I would say out of that call there were no -- there were no really major -- I also, oh, I should point out that the participants included a very wide range of organizations. I'm talking AIDS Support Group. I'm talking John Reed from the NAACP. We're talking about Council of Churches. We're talking about a number of individuals who were brought in through the process of Human Rights Coordinator, contacted people, some of the members of the Human Rights counsel --

So it was a wide-ranging conversation. I would say there are no real conclusions but it's the start of something that we -- what we really have to talk about. We don't want to see that happen on the Cape what has happened elsewhere. We like to believe that we're different, but I think everyone recognizes that all it takes is a bad individual to set something off, and we need to look into that. So I think it was a very useful conversation.

Speaker MCAULIFFE: Yes, and I'm very glad that you're representing us at this. You know, the fact that they are bringing the issues up is the huge first step so. And I know Chief Frederickson, the hallmark of Yarmouth, is training, training, training, training. So maybe this requires extra training for police departments in areas that they're just not familiar with.

Thank you, Brian. Elizabeth, I saw you had your hand up.

Delegate HARDER: I did. Just, Brian, we're having a little problem in Harwich right now and I was wondering if the Harwich Chief Guillemette was on the call?

Delegate O'MALLEY: Yes, I -- yes, I think so. Yes.

Delegate HARDER: Thanks.

**Summary of Other Business**

- **Proposed Resolution 20-04 submitted by Orleans Delegate Christopher Kanaga and Dennis Delegate John Ohman – to limit the scope and duration of power of the state executive branch.**
- **Proposed Ordinance 20-15 submitted by Yarmouth Delegate E. Suzanne McAuliffe for a \$25,000 dollar supplemental FY20 appropriation for legal costs associated with a review and analysis of the proposed solar leases.**

Speaker MCAULIFFE: Okay. Thank you. Our next item is Chris Kanaga has provided us with some information prior to the meeting and he requested to read something into the record as a Proposed Resolution that would be discussed and voted at the next meeting.

Chris, are you here?

Delegate KANAGA: Yes, I'm here. I was just going to ask if people had a copy of the draft or not of this or do I need to read the whole thing?

Speaker MCAULIFFE: Did people read the draft that was sent to them?

Delegate KANAGA: Oh no. If they got it, that's fine. I just wanted to make sure.

Speaker MCAULIFFE: Okay. Yes.

Delegate KANAGA: I just wanted to read Article 10 of the Constitution from -- of Massachusetts from 1780 that was drafted by people much smarter than us. So let me just read it because it's background to the resolution.

"Each individual of the society has a right to be protected by it in the enjoyment of his life, liberty, and property according to standing laws. He is obliged, consequently, to contribute his share to the expense of this protection; to give his personal service, or an equivalent, when necessary, but no part of the property of any individual can, with justice, be taken from him, or applied to public uses without his own consent, or that of the representative body of the people. In fine, the people of this Commonwealth are not controllable by any other laws than those to which their constitutional representative body have given their consent. And whenever public exigencies require that property of any individual should be appropriated to public uses, he shall receive a reasonable compensation therefore."

And that's Article 10 as it was written. It is the oldest standing Constitution in the world, and I think it's being violated by the continuing exercise of emergency powers when the emergency has passed. And the evidence of it is -- well, in the closing of the emergency hospital that was set up and the laying off of 600 employees at Cape Cod Hospital for lack of anything to do. And so as a legislative body at least, I thought it would be good of us to express something on behalf of the people we represent that barring an act of the legislature, it's time for the executive powers, which are still currently in use to keep businesses closed and taking people's livelihoods and enforcing things like not eating at outdoor picnic tables, which we're being told outside is the safest place. But there's all sorts of things being attributed to this executive power and there's been no time limit put on it, and so I would like to ask the legislature -- our legislators to do that, to put some restraints on the scope and duration of the executive powers being exercised without limits.

Speaker MCAULIFFE: Okay. This is coming in today as a resolution that will be on the agenda at our next meeting.

Delegate KANAGA: Thank you.

Speaker MCAULIFFE: You can ask questions but we really can't debate this; it's not on the agenda. So I see Mary; I see you have your hand up.

Delegate CHAFFEE: Madam Speaker.

Speaker MCAULIFFE: Yes, Mary Chaffee.

Delegate CHAFFEE: I wanted to respectfully say that I think those comments were out of order right now since this matter is not on the agenda and this is not a --

Speaker MCAULIFFE: Mary, this was a presentation of a resolution that's being submitted for the next meeting. The presenter of a resolution sometimes does present the resolution or the ordinance like I'm going to do in a minute, but there's no debate or discussion until it's on the agenda. So it's anyone's right to submit a resolution or an ordinance. It's just we don't debate it until it's on the agenda.

Delegate CHAFFEE: Thank you. I just haven't seen that done in the last three years. Thank you.

Speaker MCAULIFFE: Okay. And that takes us to the ordinance now that I'm going to be presenting today. I am -- and this is for the financial issue of the legal fees.

We have an ordinance that we passed for Charter Review legal fees which if the Charter Review's still ongoing, we cannot expend those fees out of our legal account. So we don't have the ability to pay for Attorney Scobbo, who is the energy attorney.

So I am proposing an ordinance that will be amended to the amount of \$25,000 dollars. Scobbo's bill comes in at around \$11,000 dollars. But the \$25,000 dollars was recommended by the Administrator in case they wanted to use Scobbo for further work in terms of resolving the issues with the leases.

So it's going to be -- and the \$25,000 dollars is an upper limit and if it's not expended and they don't use Scobbo, then it would only cover the \$11,000 dollars for the work that he did -- his office did for us. And this would come out of the Unreserved Fund Balance that Elizabeth had mentioned, the money that is not designated at this point because we do not have enough funds even to cover the 11,000 in the current legal fees for the County -- the current legal budget for the County.

And this is work done in 2020, so it's supposed to be paid out of 2020. This would be -- this ordinance would actually change the twenty -- would change the budget by \$25,000 dollars. So we have a source and we will have a bill.

So this ordinance I am submitting today, it will be hearinged (sic) and voted -- discussed and voted at our next meeting so that we can cover the legal bills that we incurred.

Speaker MCAULIFFE: And anyone else have any -- oh, I missed -- oh, excuse me, we have a report from the Clerk.

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

- **Nomination forms for Assembly Delegate are available.**

Clerk O'CONNELL: Good afternoon, everyone. Not too much to report. As you are probably aware, I have been very busy the last few weeks, but I did want to

mention that the filing period is open for Assembly Delegate as you're aware. If you need a nomination form sent to you, by all means, just let me know. I'm willing to put that in the mail. And if we need to make some special arrangements to receive those from you -- for most of you I have a copy of your Statement of Financial Interest receipt. That's not a problem. I actually literally have to get the green form from you. I'm not allowed to accept them electronically. They do have to be submitted to me. So that can be done via mail as long as you do it in a trackable way because you certainly wouldn't want those lost, or I can make arrangements to either meet you for the people that live down the outer end of the Cape. I'm in Chatham; I can accommodate. Some people have come to the County. I can go out into the parking lot, safe distance. It's all doable and possible. So just let me know. We've got a little time yet but I can certainly work that out with everybody.

And that's all I have to report.

**Speaker MCAULIFFE:** Is there anyone else who has other business to come before the Assembly?

**Thank you, all. I'll take a motion to adjourn.**

**Delegate CHAFFEE:** So moved.

**Delegate O'HARA:** Second.

**Speaker MCAULIFFE:** And we are adjourned. Stay healthy, everyone.

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

**Submitted by:**

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

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

- **Business Calendar of 6/3/20**
- **Unapproved Journal of Proceedings of 5/20/20**
- **Public Hearing Notice for Proposed Ordinances 20-08, 20-09, 20-10, 20-11, 20-12, 20-13 and 20-14**
- **Proposed Ordinances (and leases) for 20-08, 20-09, 20-10, 20-11, 20-12, 20-13 and 20-14**
- **Legal memos from County Counsel Troy for Proposed Ordinances (and leases) 20-08, 20-09, 20-10, 20-11, 20-12, 20-13 and 20-14**
- **Legal analysis from Special Counsel Scobbo for Proposed Ordinances (and leases) 20-08, 20-09, 20-10, 20-11, 20-12, 20-13 and 20-14**
- **Proposed Resolution 20-04 submitted by Delegate Kanaga**
- **Proposed Ordinance 20-15 submitted by Delegate McAuliffe**