

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 July 1, 2020*

UNAPPROVED Journal of Proceedings - July 1, 2020

Call to Order

Speaker MCAULIFFE: I'm going to convene the Cape Cod Regional Government, Assembly of Delegates. It's Wednesday, July 1st, 2020, 4 p.m. This is a meeting that's held through remote participation by the Assembly of Delegates, and this is under the Massachusetts Governor Charles D. Baker's order suspending certain provisions of the Open Meeting Law on March 12th, 2020.

And the meeting is live streamed on YouTube as well. Anyone who wishes to communicate can do so by calling 929-205-6099, and there's an ID number 911 1285 2544. And if that's too fast or too much, you can, I guess, try and text the Clerk or Ian to see what the information is to get into the meeting.

I'd like to start with a moment of silence to honor troops who died in service to our country and all those serving our country in the Armed Forces (Inaudible) we have done throughout the pandemic to honor those who have died from the COVID-19 virus, and those who are working, essential workers and frontline workers and first responders.

(Moment of silence.)

Speaker MCAULIFFE: Thank you. Now we will have the Pledge of Allegiance.

(Pledge of Allegiance.)

Speaker MCAULIFFE: Thank you.

Will the Clerk please call the roll?

Roll Call Attendance

Present (81.73%): Mary Chaffee (4.55% - Brewster), J. Terence Gallagher (2.30% - Eastham), Lilli-Ann Green - (1.27% - Wellfleet), Elizabeth Harder (5.67% - Harwich), James Killion (9.58% - Sandwich), E. Suzanne McAuliffe (11.02%-Yarmouth), 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 (2.73%): Christopher Kanaga (2.73% - Orleans - @ 4:05 P.M.).

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

VACANT (14.61%): Falmouth

Clerk O'CONNELL: Madam Speaker, you have a quorum with 81.73 percent of the Delegates present; 18.27 percent are absent.

Speaker MCAULIFFE: Thank you.

Approval of the Calendar of Business

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

Delegate OHMAN: So moved.

Speaker MCAULIFFE: Is there a second?

Delegate HARDER: Second.

Speaker MCAULIFFE: Any discussion? Okay. We'll have a roll call vote for the

Calendar of Business.

Roll Call Vote on Approval of Business Calendar

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 Calendar is approved 84.46 percent of the Delegates voting yes; 15.54 percent absent.

Speaker MCAULIFFE: Thank you.

Approval of the Journal of Proceedings 6/17/20

Speaker MCAULIFFE: Our next is the approval of the Journal of June 17th, 2020; is there a motion to approve the Journal?

Delegate O’MALLEY: So moved.

Delegate HARDER: Second.

Speaker MCAULIFFE: Okay. I see Mary Chaffee. Do you have a comment, Mary?

Delegate CHAFFEE: A correction, Madam Speaker.

Speaker MCAULIFFE: Yes.

Delegate CHAFFEE: On page 15, the fifth paragraph, seventh line, the second to last word should be seminal, s-e-m-i-n-a-l.

Speaker MCAULIFFE: Okay.

Delegate CHAFFEE: The sentence, "And, in fact, the seminal United States Supreme Court case." Thank you.

Speaker MCAULIFFE: Okay. Thank you. Any other corrections? All right. So we're moving the Journal as corrected with the word changed to seminal Supreme Court case.

Will the Clerk please call the vote?

Roll Call Vote on Approval of the Journal of Proceedings 6/17/20

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 of 6/17 is approved with 84.46 percent of the Delegates voting yes; 15.54 percent are absent.

Speaker MCAULIFFE: Thank you.

Summary of Communications with Board of Regional Commissioners and County Administrator

- **Commissioners approved Ordinance 20-08 for related to solar legal expenses**
- **AmeriCorps Program being downsized due to virus**
- **County Dredge has completed then 90 percent of the work on its calendar for this year**
- **County deeds revenues exceeded projection of \$300,000 for June and raised 1.4 million**
- **Scheduled to appear before the Barnstable Conservation Commission in August regarding Fire Academy cleanup**
- **Helping towns with inspectional services due to COVID19**
- **Suspending the proposed solar projects for now**

Speaker MCAULIFFE: Thank you. Next on the agenda are communications and updates from the Board of Regional Commissioners. I don't believe we have any Commissioners with us because they did not meet today. But we do have Jack Yunits, County Administrator, and we will do the usual quick update on the Dredge, any financial and revenue statements, an update on proposed solar leases, and also a quick update on the task force.

So, Jack, a lot falls on you. Thank you.

Administrator JACK YUNITS: Thank you, Madam Speaker. Just a quick summary of last week's meeting. The typical COVID updates were given and the reopening status was given. More importantly, we talked about the AmeriCorps program going forward. They're doing a great job in securing a fourth home in Chatham and the lease is presently being developed on that. That will mean that we can downsize our program, the number of people living in the homes for public health reasons and continue to operate. The number this year because of the virus is being reduced from 24 to 18, but the recruiting process is well underway. And with the fourth house, we feel pretty safe that we can lower the number of people from 10 to 6 living in Wellfleet, which would be a blessing for us.

Also, we adopted your -- for \$25,000 from the Reserve Fund to pay for the legal counsel for the solar.

Other business...we did have some new grants. Kari Parcell, who was our MSW Coordinator with all the towns on Cape Cod, her contract was refunded and extended three years with an additional \$82,000. Also, the SHINE Program was refunded at \$69,000, and we approved a grant to Sandwich -- for the Town of Sandwich and the Terrapin Ridge Project which is a HUD-funded affordable housing project of a pretty good size in Sandwich. So that's the update from last week.

As it regards to the Dredge, the Dredge has one more job to do which will start next

Monday in Falmouth. It will have completed then 90 percent of the work on its calendar for this year. Two projects didn't get done. One was Bass River; it had nothing to do with the Dredge although the booster was out, the permit was never finalized.

And the other project that didn't get done was Chatham. It was just deemed too dangerous for the crew. They hired a private company to come in and do it and believe me the company has struggled to get it done. I believe they're still there and they've been there for two months. That's the update on the Dredge.

The interviews are about to start for the new superintendent of the Dredge. They'll begin next week. I think they received eight viable résumés that they are currently culling. The old barge has been moved with the booster on it; it's on its way to Fairhaven as we speak where it will be reassembled and put back into service by the end of the summer. So that's your update on the Dredge.

The budget, obviously, the County standing regarding its fiscal revenues is still very, very promising. What we needed to achieve in the month of June was a number of 300,000 through the excise tax at the registry. We raised 1.4 million. So that's a sizable amount of money that we'll be able to roll into unfunded reserves.

And given the fact that we have no idea what's going to happen coming down the pike, we don't know if there's going to be a second phase of this disease or how long this recession is going to go. Our objective is not to touch those reserves until we absolutely, positively have to. So, therefore, our capital projects remain suspended. I'll talk about that in just a minute when we get to the solar.

And what we're trying to do at the Fire Academy is not to postpone that work any longer. We're scheduled to go before the Barnstable Conservation Commission in August. We'd like to have a loan in play by then so that we can finance that cleanup over time and not use \$2 million out of the reserves to fund that project. And we now have found out through our finance advisor that we can borrow privately for that project if we don't get the SRF loan relief that we've applied for.

Some of the emergency money has been spent that we appropriated a couple months ago. But we're still managing the state grant funds; we're still managing for the towns that is, for the boards of health in all the towns. We're interviewing now to help the towns with people that have inspectional services on their résumés and are retired and are looking for part-time work. We hope to have six what we're calling health guidance personnel to go out and assist the boards of health across the Cape as needed on a part-time basis and those people are being interviewed.

So more good news on the grants. We did get a grant to buy a mobile testing unit that should come in very shortly, and we're going to create a mobile response unit so that if we suddenly need to go to a nursing home with an emergency or a place of business with an emergency and we need to test multiple people, we can do it quickly. Because in a tourist area like this, promptness is a critical part of contact tracing. So we'll be tooled up with Cape Cod Hospital and ready to go on that very shortly, hopefully, by the fall at the latest.

And, finally, another good news story, Senator Cyr and Representative Peake through their contacts were able to secure a gift from the Taiwan Economic and Cultural Office of 15,000 surgical masks. We received those on Monday of this week. We already distributed 1,000 to day care and child care services and we're going to be delivering another 4,000 to the childcare and daycare services because we're finding time and time again

conversations with businessman -- business persons that without masks, without daycare, they can't get their people to come back to work. So we have to start with the kids. We have to make sure they're protected and back in school, and we're doing that by distributing as many of these masks as possible.

In addition to that, these masks will go out to businesses across Cape Cod that need them, and we're hoping to expand testing for those businesses as well. So if a business owner contacts us and says, "Before I reopen, I want eight of my employees tested; can you help us?" We hope to have a plan in play with Cape Cod Hospital to do that shortly.

And, finally, as it relates to the solar, you recall that Attorney Troy pointed out some concerns that he had and the Speaker very astutely determined that we needed a specialist, a lawyer who specializes in solar to look at these contracts. And a lot of what he found was very minor, probably could've been fixed. But one place where we were really standing alone without our clothes on was in between. We had a great construction bond in the beginning, and we had a great decommissioning bond at the end, but we were exposed in the middle. There was no financial guarantees and he was insisting that we have some type of financial guarantee put in place to protect us.

Those aren't really expensive on these projects but the projects were small enough that it concerned the developers, and so we started to put the brakes on it for that reason.

In addition to that and occurring simultaneously with some pretty-loud drumbeats coming from the community, both at the farm and here with the solar arrays, the canopies on the campus. So I talked to Delegate Princi because it's his town. I talked to the Speaker at great length last week, and I talked to the Chairman, and the three of them were all of the opinion that it was a good point to suspend the project at this point in time, not to abandon it, but to suspend it and to relocate it and figure out a better way to do it on a smaller scale going forward.

So we finished up the roof for the First District Court this week. We're going to do the seams on the Registry building which will give us another 15 years or 25 years on that roof, and then we're going to attack the old jail. And when those three roofs are done, we'll revisit going back out to bid for a roof -- solar, and we're not going to give up on the farm.

I'm going to meet with the attorney who actually wrote the conservation restriction on the farm and see if we can't work out a better way, sensible way to put solar at the farm that won't exhaust the patience of the community.

So that's where we are on the solar. We're not giving up on solar, but we are suspending this project as bid. I don't know; I think at some point maybe the Assembly has to take a vote on that. I don't know; I'll do whatever you ask me to do. But it was a decision I didn't make on my own. I made it with a great amount of leadership being shown to me by the Speaker especially, by Pat and by Chairman Bergstrom. So, I thank you for all your help.

Speaker MCAULIFFE: Well, I think we can find out from Attorney Troy what the actual next step is. I'm not sure because we did refer it back to the County for legal sorting out. So I don't know how -- if we just leave it suspended or if we actually need to have a vote because the Commissioners did vote on -- the Commissioners did vote on it.

Administrator JACK YUNITS: Yes.

Speaker MCAULIFFE: All right. So we'll sort that out. And before we -- I'll take questions and then we can go to the task force update; is that all right?

Administrator JACK YUNITS: Sure. Absolutely.

Speaker MCAULIFFE: I see Brian O'Malley's hand up.

Delegate O'MALLEY: Thank you, Madam Speaker. Jack, I'm tremendously disappointed to hear that this has been dropped, and it sounds to me like it's been dropped not on the basis of public presentations, not on the basis of hearing, not on the basis of any real vote but negative feedback we've got. We've been told by the -- by CVEC that timeliness is rather critical to the economic viability of this entire project. We put it on the back burner. Those credits, the net metering credits, we've been told anyway, are likely to disappear.

It feels to me like this is a decision being made here that will scrap the project, and I don't see where it's been made with any legislative input.

Speaker MCAULIFFE: Pat Princi.

Deputy Speaker PRINCI: Hi. I just wanted to respond to the comment, but the long and short of it is the contract wasn't really reviewed properly at the right levels. And, you know, our job as an oversight as we all wanted the two different branches of government to, you know, make certain that there's checks and balances, and when I reviewed the conservation restriction at the County Farm, there's absolutely no way legally that those solar panels can be put there unless what Jack said is if, I mean, the real process would be to go through the legislature to change the conservation restriction because it's not meant for industrial use out there on the farm.

So if Jack can work something out with that conservation restriction and possibly get some of that power going directly to the farm, it might be workable. But there's no sense in going through with a contract that's -- especially as it relates to the farm that's just not legal.

Administrator JACK YUNITS: I can say to you, Brian, as it relates to the timeliness of the credits, that's for this round only. Those credits won't completely disappear by any means. And having been in this business for a while before I came here, when I was on the other side of the argument representing developers, I'd be using the same theme, "We've got to get this done now or we're going to lose it." It's just the way they play the game. We could have been tied up in court on this, as Pat just indicated, for months, absolutely months, or they might've got a no vote from the Old Kings Highway certainly on the solar canopies here on the campus, which would've tied us up for months.

So it's hard to, on a project that was as complicated as this, to let time be the guide. You really have to do what the Speaker said on the very first time she called for a lawyer on this. We have a fiduciary obligation to protect these assets in perpetuity. And we -- and I take full responsibility for this, we went out too fast. We put our trust in CVEC and went way too fast and probably should have had these kind of conversations before we even began the project.

So, I don't think it's going to hurt us in the long run as it relates to credits, and we're certainly not going to give up on solar. We're doing the solar for the first -- the first reason is the right reason. Cape Cod needs to be green, and we need to be a leader in the drive to get green, and we're not going to give up on this by any means.

So I understand your concerns, Doc, but I think we had to do what's right and we were exposed.

Speaker MCAULIFFE: Yes, Brian. Yes.

Delegate O'MALLEY: But, Jack, I will accept your sense that the time pressure

thing that's been given to us by CVEC may be not real, that there may be later rounds.

But I've now heard two elements that don't make sense to me. Number one, with respect to the farm, we had counsel give us his opinion on this and the agricultural restriction was not mentioned by counsel, if I'm not mistaken. And, number two, we're dropping the solar canopies at the Main Campus because the historic district may not approve it.

Don't we -- don't you, normal process, you go to them and you put an application and you do a hearing? I mean I feel like we're giving up the battle before we started it.

Administrator JACK YUNITS: No, that's the developer's responsibility, and if the developer walks on it if they decide they're not going to wait any longer and they walk on this contract, we still have the opportunity to go and present that type of plan to the Kings Highway.

But I will tell you this, seeing what I'm seeing now inside the buildings here at the courthouse where there's a huge, huge concern about how to reopen these buildings because of the congestion in the buildings, people on top of each other, sitting jurors.

And, again, I harken back to what the Speaker said about protecting the assets on this campus, it may be that there's going to be a move afoot again to remember a few years ago when the Trial Court was talking about building a new major building in the middle of the campus and taking down a couple of the peripheral District Courts and putting it all in one building. If that happens, the solar canopies would have precluded us for being the host of the Trial Courts.

So I want to be sure on that issue as well. There will be some radical changes here. We've already moved out of the Probate Court because the Probate Court was desperate to expand their space needs, and I don't know what's going to happen to us here in the Superior Court going forward. But keeping the same space needs in mind for the Trial Court if we want to keep them as a tenant became something on the back burner that suddenly was on the front burner because of COVID.

Speaker MCAULIFFE: So I think the conversations that Jack and I had, too, is it was such a huge project with so many hurdles at everywhere you turned that maybe it makes sense to go forward with a project that isn't starting off with hurdles and something like rooftops or Orleans might be less of an issue than the Barnstable campus.

But I think right now it's not -- it's backwards to not work with Old Kings Highway and Conservation and just pass a lease and saying, oh, we'll take our chances. You should be working with them to make sure that you can pass the lease.

Yes, Jim Killion.

Delegate KILLION: Thank you, Madam Speaker. Just a question of Jack and I'm not looking to cast aspersions, but going forward we're going to, obviously, approach this again. And I think you said that things could have been done differently and better.

So do you think it was the County then that really got ahead of CVEC because, obviously, we paid CVEC a significant amount of money to put this RFP together when, apparently, it appeared to be significant pieces of information missing from the puzzle. So is it just a question of not knowing we didn't know, or could CVEC have been more helpful in this process?

So as I said, looking ahead to how we do it in the future, what improvements do you think we could make?

Speaker MCAULIFFE: Well, I think that one of the things going forward that we have to do is really have a working subcommittee which would include members of the Assembly on this. If we want to do something as complicated as filling our parking lot with solar canopies, that's just going to require a lot more input going forward. We'd have to keep the Barnstable Village folks involved in those discussions and do a trial balloon before Old Kings Highway before we begin.

If the rationale that I hear is the correct rationale, the rule for the Old Kings Highway is if you drive by a site, a proposed site and you don't see it for 1.5 seconds, there's nothing that can stop it. And in this particular case, I don't think that that was going to be a barrier in the long run to the solar canopies.

What changed our opinion a little bit on the solar canopies, as I just said, was the change in space needs, the square footage requirements. They're actually going to come down and tell us that only so many people can be in this building at a time, and that's going to put an inordinate amount of pressure on the Trial Court and the County to figure out solutions to this. So I think that had more to do with it and that was by accident. We never saw that coming.

So, but yes, I think it could have been done better if we went a little slower on it. And the way it works is we put out an RFP early on, over a year ago, and we didn't get one respondent and that was to find our own solar developer who would serve like a GC or OPM for the County on that project. That one response, I even went so far as to call Attorney Moran because I know Susan had dealt in solar projects on the Cape before, and she offered some names and they both said the project was too small for them.

So then we turned to CVEC and that was pretty much the only contact we had with CVEC. From then on it was their project and maybe that was part of the problem. When it came time to go to bid, we looked at it and we realized that it was bigger than we thought it was going to be, but they knew better than us so we let it go.

Speaker MCAULIFFE: Are you all set, Jim?

Delegate KILLION: Yes

Speaker MCAULIFFE: Yes. Chris Kanaga.

Delegate KANAGA: Hi, thank you. I just wanted to weigh in here a little bit with Doc because I feel like, too, some of these may be overblown. I mean Old Kings Highway, well, for one thing, has an exemption for green projects, solar, and wind. You know, and what would be wrong with just taking the existing plan before them if you want to do a trial balloon and see if they'll pass it. And then all you have to do is get an amendment later on for one thing. I just don't think that's that big a deal but maybe it is; I could be wrong.

So, anyway, I just feel some of these things, and I forget how many parking spaces it was it was going to take away, but that didn't seem like a huge deal anyway as far as permission from the Trial Court.

So, I don't know. I just have this feeling that some of these obstacles can be overcome if we had the fortitude to go ahead with it and try to help the project but anyway.

Administrator JACK YUNITS: I don't think we'll -- right. I don't think -- yep, thanks Chris. I don't think we'll get to the point where we're going to get as much out of the next round in terms of megawatts, but we're going to get close. There's a lot more we can do at the farm that is permissible. And for instance, the roof of the barn at the farm isn't even part of this. That is huge. The new building we're building will be powered solely by

solar. And we still have the option of doing the dual-purpose solar canopies where the animals can graze underneath and we can farm underneath so long as we can restrict it to the six acres that the farm is on in the lease.

And then, as was already suggested by Doc, I think, we have the opportunity to go before conservation and negotiate a compromise of some sort. It's confusing because when the conservation restriction was developed in 1988, there was no such thing as dual-purpose legislation. Dual-purpose legislation is actually a bill that I lobbied for when I was representing some of the cranberry growers in Plymouth County, and the idea was to help the cranberry growers save their farms, we were going to allow them to incorporate solar, notwithstanding agricultural restrictions.

So the bill was ultimately passed in 2018, 20 years after the original restriction was put into play, and that allows due purposes as a matter of right if it supports the agricultural business of the farm and that's exactly what this would've done. So I'm not closing the door on it. I just want to reopen discussion and I want to keep it alive as long as we can.

Speaker MCAULIFFE: And I think, also, we don't need -- we need to not lose sight of the fact that we needed to be financially protected during the actual 20 years of the project, and I think Attorney Scobbo felt that we were exposed because of (Inaudible) companies tend to buy and sell and not necessarily be reliable or protected for the construction and deconditioning but not for the life of the project.

So these are all things that can definitely be worked out if you know that you need to get these things settled. The developers just weren't willing to agree to that at this point.

Speaker MCAULIFFE: Yes, it was a little bit worse than that. Counsel for CVEC said if we were going to insist on a guarantee, a financial guarantee for the project, that the whole project would have to be rebid because it wasn't in the bid. And that's when we all put the brakes on. That was a huge game changer for us all. So we couldn't even take the portions of the bid that we already had and negotiate them. We had to do the whole thing on a rebid and nobody seemed interested in that.

So, thank you, for pointing that out, Madam Speaker.

Speaker MCAULIFFE: Yes, Brian O'Malley.

Delegate O'MALLEY: Do we have a written opinion from Attorney Scobbo? I don't believe I've read it. Am I missing something?

Administrator JACK YUNITS: No, he hasn't done that. It's been mostly oral discussions between him and the developers. We haven't got any written decision on it yet.

Delegate O'MALLEY: Do we expect one?

Administrator JACK YUNITS: You know, I haven't asked him for it. I'm trying to keep our cost down since we're not going forward. But I would truly like to keep him engaged if we're going to move forward at all on this because he is without a doubt one of the best professionals I have met in this industry. He was a blessing for us, believe me. He was just wonderful to deal with.

Delegate O'MALLEY: Jack, I must say, with all due respect, I think if we've hired counsel and he's issued an opinion, we should be entitled to read the opinion.

Administrator JACK YUNITS: Yep.

Delegate O'MALLEY: I'm sorry; it's not adequate --

Administrator JACK YUNITS: Yes.

Delegate O'MALLEY: -- that we receive second hand.

Administrator JACK YUNITS: Okay. I'll take it up with him.

Speaker MCAULIFFE: Okay. I think that's it on the leases. Jack, would you mind now switching gears to the Reopening Task Force? We had put an invitation out as everyone is aware.

Delegate O'MALLEY: Mary Chaffee had a question.

Speaker MCAULIFFE: Oh, I'm sorry. I didn't see your hand, Mary. Go ahead, Mary.

Delegate CHAFFEE: Thank you, Madam Speaker. Jack, so this really boiled down to one major financial barrier that we really couldn't sort out. And then the issue specifically at the farm is that the farm is in the historic district or the whole property has a conservation restriction on it or both?

Administrator JACK YUNITS: No, John Ohman would probably know more about it than I. But back in the 80s, there was talk about relocating the prison to the farm. The sheriff was a regular user at the farm. He brought his inmates out there and they did a lot of farm work there. And people in the village were nervous that that was going to be a next step. And so they created this conservation restriction in partnership with the County to protect it from any kind of commercial development or anything like structurally like the farm itself.

So there's a conservation restriction in the language that Pat was referring to that says no commercial development whatsoever. And all this isn't a commercial development in the true sense, it's a commercial development to the extent that we're selling the power to the grid through a business company.

So, as I said, it's still something that perhaps we could have argued over, but the conservation restriction is pretty clear. We knew that and the developer new that going in when he bid on it. It was his job to get the permit, not ours.

Delegate CHAFFEE: Did anyone speak with Mark Robinson at the Compact of Cape Cod Conservation Trust?

Administrator JACK YUNITS: Yes. Yes. Yeah, I talked to him a number of times.

Delegate CHAFFEE: Great. Thank you.

Administrator JACK YUNITS: And he is, Mary, he's committed to work with us to see what solutions we can craft out of this out there.

Delegate CHAFFEE: Thank you.

Speaker MCAULIFFE: Okay. Is that it on the leases? Okay. Now I asked if Jack could do an update on the Reopening Task Force. We heard from the legislators that they're not available, so I think we would like to hear a little bit of information on the Reopening Task Force. We've heard from some people there are some issues of communication between the task force and the governor, but we want to hear a little bit more information so that we can determine if there's something that we could do jointly or do in conjunction with the task force to make sure that Cape Cod has a voice at the state.

Administrator JACK YUNITS: The task force is comprised of a number of business companies, representatives from the chamber, a number of elected officials including selectman and town managers and the state reps. Tim Whalen, Julian Cyr, Sarah Peake, Randy Hunt have been very vocal members of the task force as well. And they have really been the ones who are going to the lieutenant governor and the governor and pushing the message, for instance, the message that came out yesterday suspending the guidance, the so-

called guidance on quarantine. It was huge and that we had been pushing that for a while because of Cape Cod's unique nature. We have to make it 10 to 12 weeks. We can't have people come here for two weeks and stay inside. It was counterproductive to us all.

So that was lifted because of a number of meetings that the lieutenant governor, in particular, had with our delegation on that issue.

We pressed that for the whole Common -- we pressed it first for the Cape but it became part of the whole Commonwealth, and it makes a lot of sense given the fact that the seven states that can come here are all complying with CDC's guidelines in reducing cases and flattening the curve.

The communications pieces are always complicated on Cape Cod because we don't have any real media outlets. There's no TV, there's no daily news, and it makes it very difficult. So what Julian Cyr's office has been issuing is the guidance advisories on a twice a week basis on our website here at the County.

The County website, by the way, the last couple weeks alone, it had over 38,000 hits. So people are coming to it. People are learning about what's going on and what the Reopening Task Force is doing on a regular basis, but it's still very, very difficult to communicate the message to Cape Codders because of the lack of media.

I know we've all been on Teresa Martin's show, for instance, on the Outer-Cape a couple times but we haven't done much up here in terms of reaching out to the TV. So we'd like to do a little bit better job in that.

So, it's going to continue, our role is becoming less and less. The governor's Phase 4 is going to be critical but we still don't know; I can't tell you whether it's going to be 25 people or 50 people for events, and when that's going to be allowed to happen. I know the wedding industry is just absolutely suicidal about this right now. So we have to get some kind of definition on that in the next week or so, and I think we will. I just can't give you any leads as to what I think will happen. And daycare/childcare.

Speaker MCAULIFFE: In terms of Phase 3; are you talking about Phase 3 as well?

Administrator JACK YUNITS: No, that would be Phase 4. That would be Phase 4.

Speaker MCAULIFFE: Yes.

Administrator JACK YUNITS: Childcare is huge and what, unfortunately, the regulations that came out on childcare were so onerous and expensive that none of the childcare units can survive under those rules. Maybe the bigger ones like the Y because they get so many outside contributions can do it, but the day-to-day, mom-and-pop childcare centers just can't do it. They, first of all, they'd have to cut their income from members by 50 percent and then there's so much sanitation required and one on one implications for the kids that it becomes impossible for them to run. So we have a lot of work to do there, and we'll keep working with the governor's office on that.

There are members from the Governor's Statewide Task Force on the Cape Cod Reopening Committee so there's a constant communication. And the boards of health on Cape Cod through Sean and Erica meet, obviously virtually, with the Department of Health and Human Services weekly. So there's constant communication between the state and the County regarding health issues and reopenings and guidance and so on and so forth, and that's going on on a weekly basis.

Speaker MCAULIFFE: Any word on Phase 3?

Administrator JACK YUNITS: No, not beyond what -- that was a big surprise. We

didn't think we were going to hear that announcement yesterday until Monday, but the governor wanted to get it out before the 4th. So it was a big blessing. We have to just wait and see on Phase 3.

Given what's happening in the rest of the county -- country, I mean, especially in the south where they just did it too fast. I don't think you're going to see a lot of bars/nightclubs survive this summer. I don't know if they'll ever reopen. We'll have to wait and see but, right now, if they do reopen, it's going to have to be very, very strictly enforced. We just can't seem to get our kids under control.

Speaker MCAULIFFE: It's unfortunate because, you know, our numbers on Cape Cod, we're really much more in line with New Hampshire. New Hampshire is very much a tourist community, and they are in Phase 4, I think, as for this weekend.

Administrator JACK YUNITS: Right.

Speaker MCAULIFFE: And it's unfortunate that -- and even New York State that had probably the worst hotspot in the country reopening in regions where the, you know, the very dense cases are opening more slowly. But Upper New York State, Western New York State, very similar to Cape Cod are opening with different guidelines. And I just -- it's unfortunate that I think that there isn't more of a regional approach to things. I know that the work is tremendous and people are trying to do things responsibly. But so far in New Hampshire, things are going to the point that they have gone forward.

I think one of the reasons the task force was invited was, two reasons; one was to talk about the fact that, you know, the Assembly would like to help get the word or be part of the voice of Cape Cod. And when the County initially started the task force before it conjoined with the legislators was a help the workers of Cape Cod Task Force. How are we going to reopen? And it just seems like that got, kind of got dampened as it got so big.

So I think all of us and I think that was the reason behind the resolution, too, was, you know, let's be the voice for Cape Cod, and let's (Inaudible) speak for Cape Cod because of the nature of our lifestyle here. That's my two cents.

I'm going to let anyone else weigh in on it. Yes, Jim Killion.

Delegate KILLION: The question I have for Mr. Yunits is the opinion I have and is shared with others that I have spoken to is, in fact, that what the Speaker was just discussing is the numbers on Cape Cod are very different from the numbers of Suffolk County or any other counties closer to the city.

And was the task force able to convince the governor to let us do things differently than other parts of the state have done? Can you point to specific accomplishments that the task force has had or successes that they've had which has allowed Barnstable County a little bit more latitude than is being or under restrictions which are elsewhere in the state?

Administrator JACK YUNITS: Barnstable County and Berkshire County share the same story of case control has been incredibly positive and we all made it 10 weeks, both counties. So under Wendy Northcross's leadership, there's been a lot of communication and joint effort between Berkshire and Cape Cod, and I really do think that's why the decision to end this quarantine, that kind of calls we used to get from the short-term rental owners, they're in an absolute quandary because they cancel -- if somebody cancels and they've got the deposits and they don't know if they're going to get sued for those deposits because of this 14-day restriction. It made no sense to them; it made no sense to the hotels and motels giving our numbers.

And I think that the delegation did a great job for us. I think if they weren't pushing so hard on that one issue alone it wouldn't have happened so fast. Because that's less critical to Boston than it is to us right now. People aren't going to the big cities right now, but they will come here. We see that in the real estate market. That's why the excise tax is going up. People are buying on Cape Cod. There's no inventory so the prices are going up. And we're the unseemingly beneficiaries to that market change.

So I think that the delegation has done an amazing job getting us at least to that point, but I do agree with you, maybe there's more we can do faster down here, particularly if we take it upon ourselves to make sure that if the bars and nightclubs are going to open again, if we're going to start doing concerts again that we understand that if we mess up, we don't just mess up for our own establishment; we mess up for everybody's establishments.

If there's a spike, everybody's going to suffer again. Some of the -- I haven't seen, honestly, in my personal experience, I haven't seen any restaurant owners do anything that isn't right so far. They have really done a great job trying to stay within the guidelines and make sure that nobody gets sick because nobody wants to bounce back into the hole. They know that if they bounce back into the hole because they did something wrong, they're not coming back. And I trust that they will continue to do it the right way.

So we'll see what happens next Friday when he makes that announcement or Thursday.

Delegate KILLION: So is there anything that I can point to because people do ask me that all the time what they've accomplished. Is there any restriction that we can point to to say, yes, (Inaudible) that's really helped us?

Administrator JACK YUNITS: You know, yeah, I can't say. Beyond the guidance that just came out and the elimination of the quarantine thing, which I think the Cape can take an awful lot of credit for, it's almost like we have become guidance for what they can and cannot do locally, more of a guidance, more an advisor to the businesses, and certainly a sounding board for the businesses than actually being able to point to anything real.

The governor has really put his stamp on this reopening, and his Secretary of Human Services, Mike Kennealy, HED, have, likewise, put their stamp on the control here; we don't have a lot of control.

Speaker MCAULIFFE: Yes, Mary Chaffee.

Delegate CHAFFEE: Thank you, Madam Speaker. Mr. Yunits, I just want to thank you for keeping childcare, the problem with childcare front and center in discussions here because we can't restore the economy, obviously, if we can't get working parents to work. So please let us know specifically if there's anything in that area that we can support you on. Thank you.

Administrator JACK YUNITS: That's great, thanks. I do want to add, too, that the County is about to take another initiative in September led by Deirdre Arvidson, our health nurse. One of the things, Assembly-woman Chaffee, that has fallen by the wayside dramatically on the Cape is vaccines; the normal vaccination process is just not occurring. People aren't bringing their kids in. So we're going to set up on the County, I believe, three Saturdays in September and run vaccinations with the Medical Reserve Corps and the contract nurses that the County has on staff to make sure that people start coming back in for their routine vaccinations. And I'll keep you in the loop on that. I know that that's near and dear to your heart.

Delegate CHAFFEE: Thank you.

Speaker MCAULIFFE: And, Jack, we're talking about businesses reopening now, but if we slow walk everything and we end up not making people feel like they can have their kids back in school or they're not -- vaccinations are going to be the least of everyone's worries.

Administrator JACK YUNITS: Yeah.

Speaker MCAULIFFE: You right now have a healthcare issue with people not seeking routine healthcare screenings, and I think that it's almost a fear factor that it would be very nice to help people on the Cape feel that they can do some things that would be a little bit safer and a little bit more protected because we are not in dire straits. We had no COVID deaths.

Administrator JACK YUNITS: Yes.

Speaker MCAULIFFE: Yes, we might have numbers but our death rate is down tremendously. So I think that in terms of the health of the population and the daycare, schools are desperately needed by a lot of children on the Cape. We have a very challenging population on the Cape for schools, I think now's the time to be thinking about that.

So I would offer the services of the Assembly to work with the task force in any way we can to work with the governor to make sure that, perhaps, some of the issues are developed on a regional basis as opposed to a statewide basis.

Administrator JACK YUNITS: That's great. I will point out that the Cape Cod Hospital's running a webinar to answer some of the questions you just brought up, Madam Speaker, next Wednesday morning, I believe it's at 8:30, but I'll send everybody in the Assembly the contact information for that webinar. And the Q&A is all about the questions that you've raised here today.

Speaker MCAULIFFE: Excellent. Excellent. Thank you. Are we all set? Okay. Tom O'Hara.

Delegate O'HARA: Thank you, Madam Chair. Can you hear me?

Speaker MCAULIFFE: Yes, we can.

Delegate O'HARA: Great, just making sure. I would agree with Delegate Killion and the chair, Madam Chair, that this needs to happen sooner rather than later. It's been my message all along.

I'm in agreement. It's regional. Our numbers have been very safe numbers. People are taking the precautions, businesses seem to be taking additional precaution and making sure that they're within the guidelines that have been set. But this delay is we have -- what do we have? We, basically, have eight weeks left of summer, and if we don't open soon, you're absolutely right, these businesses may not ever open again.

Administrator JACK YUNITS: Yeah.

Delegate O'HARA: And I know it seems to take forever and it does. These people don't have forever to wait. These things need to -- the governor needs to really take a hard look at the regional issues here. It's very safe here. People are very cautious and very careful of everything they do, the business owners and the residents and anybody who seems to be visiting.

Although sometimes I see them out quite a bit, but Mashpee Commons I was there this weekend and it was a ghost town. It really was. And I had lunch at Bobby Byrnes on

Sunday, very well set up. They're very safe; I felt very comfortable, no concern whatsoever and it was empty. This was a Sunday afternoon, a beautiful day. And I really -- I don't know how we get the message that we can't think about it; we can't talk about it anymore; we need to act. We need to get these businesses open. Let the businesses know the guidelines, however strict they may be, let them get going, let them open their doors. Let the economy move forward.

Thank you, Madam Chair.

Speaker MCAULIFFE: Thank you. Yes, Elizabeth Harder.

Delegate HARDER: Thank you, Madam Speaker. One, just as a response to Tom, you can't make people go if they don't want to go. I mean, everyone I know, we love our Harwich restaurants so much, but we're not going to eat inside. There's not a chance, and they're all doing wonderful work trying to keep them clean. But I've got asthma. I'm not eating inside.

But, anyway, my question for Jack is what about housing. Today is July 1. It's rent day and I'm sure a lot of people are not going to be able to pay their rent. And unlike cities where the realtor -- the lessors are big corporations that can take a hit, most of the people on the Cape who collect rent are people who had a second home left to them by a family member or something. So, everybody, both on the rentor and rentee side is hurting. Has the Reopening Task Force done anything about that?

Administrator JACK YUNITS: Yeah, Ryan Castle from the Realtors Association is on our task force, and he's actually reporting that the numbers for long-term rentals and short-term rentals are actually more now than they were last year. It's completely changed in last week or so, and I think it has a lot to do with the fact that people are looking at Cape Cod and saying, "By golly, they don't have a problem down there, let's go."

So that's some real good news there. The rental market's going to be fine. You know, for a while the phone would ring and it would be cancellations and now it's changed. That's at least the report that we're getting from the Realtors Association right now, and that I think is evidenced in the registry.

So I think things are getting better all across. I think some of the smaller cottages may not hit it like they used to, but certainly the three-weeks and four-weeks stays are very popular right now.

Delegate HARDER: Right. But my concern is that -- is that people who rent year-round --

Administrator JACK YUNITS: Oh, year-round; I'm sorry.

Delegate HARDER: -- and haven't been making any money can't -- are not going to be able to pay their rent this month. My lessee has not -- hasn't paid rent for four months. I'm lucky enough to be able to absorb that but a lot of people aren't. And I think we have to keep an eye on that. If people are going to want to come here and rent, then the rents will go up and that makes our affordable housing crunch even worse.

Administrator JACK YUNITS: Yeah, you're a hundred --

Delegate HARDER: So that's really what I'm worried about.

Administrator JACK YUNITS: Yeah, you're a hundred percent right, and I know the legislature is taking up this bill next week to deal with whether or not freezing evictions and setting up a rent subsidy program through the state is going to happen. I think that's a front-burner issue for the delegation to take up next week.

Speaker MCAULIFFE: Okay. I think that covers the task force.

Public Hearing on Proposed Ordinance 20-16

- Director of Outreach for The New England Mountain Bike Association Bill Boles provided a presentation and overview to the delegates regarding the proposed bike trails.

Speaker MCAULIFFE: Thank you, so much, Jack, for being in the meeting because now I'm going to open the virtual Public Hearing on Proposed Ordinance 20-16, and this is an ordinance that will be discussing the use of public land for the bike path, and I wonder, Jack, if you would give just a brief description, and then I know we have someone with more detailed information who you were going to handoff to.

Administrator JACK YUNITS: Yes, let me tell you a little bit about the property because, obviously, it's an important piece of property for the County. It's 5.03 acres. It's on Route 132 at Phinney's Lane where they intersect, and that wooded area, as you sit at the lights and look right, that wooded area is the land we're talking about.

The County was deeded this land, I can't remember the exact year, back in the 50s or 60s, and what it was is when they were building 132 they took this land and thought it was going to be part of the road. Ultimately, they abandoned that part of the road and gave it to the County with a deed restriction. The deed restriction says that it can only be used for municipal purposes.

So since we don't have any immediate plans for this land at this time, we decided when Lev approached us with what I thought was a fantastic idea to extend the bike trail that's already out there. The bike and walking trail's already out there across the street through this five acres. This was really -- it's not going to hurt us. It's a license so it's revocable, and I think it's a six-month revocation clause in there.

So should we decide and find a way to lift that restriction, the land has got to be worth a lot of money given the fact that it's -- although it's zoned residential, Barnstable could easily change it to commercial and generate some pretty significant tax flow from that piece of property.

But in the interim, we don't have any plans to sell it. We don't have any negotiations going on with the Department of Transportation regarding that restriction. So it just sits and as it sits it gains value. We might need it in the future. Maybe the County goes out -- Leo Cakounes used to talk about moving the County government out there. Right now we don't have the means to do that, but it's something that we want to keep on the back burner. So this will be no interference with the long-term or short-term plans regarding that land. And Bob Troy who's on the call drew up the license for us. And Lev Malakoff and Bill from NEMBA put together the whole proposal. So I'll leave it to probably Lev -- Bill or Lev to take it from there.

Speaker MCAULIFFE: Lev, are you there?

Mr. LEV MALAKOFF: Hello there. Yes, I just wanted to introduce Bill Bowles. He's a NEMBA officer, the Director of Outreach, and as the entity that would be the recipient of the license. Bill is well-versed in trail construction, and I'm going to turn it over to him if we can get him muted.

Speaker MCAULIFFE: I don't know where he is.

Mr. LEV MALAKOFF: He is on the video right now.

Speaker MCAULIFFE: Oh, I see. Okay. Unmuted. All right, Bill. You're all set.

Mr. BILL BOLES: Madam Speaker, Delegates, my name is Bill Boles. As Lev mentioned, I'm Director of Outreach for The New England Mountain Bike Association. This is a win-win project in our minds. As Jack said, should the County need to use the land later on for something else, it's not going to be a problem because there will be no financial investment in this. Our plan is to put a trail in this parcel of five acres. It might be as much as and a half a mile long. It would come off a sidewalk, make a loop, come back onto the sidewalk and, basically, link this property to nearby Hathaway Pond Conservation Area, which is about 2,000 feet away.

Mr. BILL BOLES: As you can see, this is right beside Route 132 as Jack mentioned. It's close to a lot of motels. It's across the street from Sea Sports Cyclery as well as the Mountain Sports outlet. If you look up in the screen on the other side of that power line, that's Hathaway Pond Conservation Area.

We first see this trail as a fun trail, not just for bikes, but for people who'd like to go for a little walk in the woods or a little jog. We intend to make it without cutting down any trees, without doing any structures of any kind. Basically, we'll walk around in the woods, see where the best place to put the trail is and make it by mowing the underbrush.

We will probably make it 5 to 8 feet wide for two reasons. One, we don't want people to be brushing their legs on brush and maybe getting ticks. Two, if it's 5 to 8 feet wide, it's not going to grow in in the next 10 or 20 years. This is a rough rendering. I wouldn't commit to saying that this is where the trail's going to go. We'll figure out where it would go when we're on the ground walking around in the underbrush.

Thank you.

Speaker MCAULIFFE: Okay. Great. It always makes me nervous to go off the beaten path. Thank you. Would you be able to take any questions if people have any?

Any questions for administration or Mountain Bike or Lev? Yes, Brian O'Malley, and then Tom, I see you.

Delegate O'MALLEY: Thank you to the gentle men who just spoke. I don't see any capability, any provision for parking at the site. You reference people coming there and taking a walk, where would they safely park in that area?

Mr. BILL BOLES: There's actually a lot of parking. If I could put that thing back up, I can point at some of it. There's a very large parking lot at the Cape Codder. There's an extremely large parking lot at Eastern Mountain Sports, which is directly across the street. Hang on; I'll share again.

As you can see this Best Western, Eastern Mountain Sports is down here with a large parking lot. Off the screen is the Cape Codder. There will be no parking accommodation here, although one could park across the street here at the Cape Cod Brewery, and then, again, off the screen is Hathaway Pond Conservation Area which with plenty of parking. We do not see this in any way as going to be a draw. In other words, people aren't going to come from far away just to use this trail. We feel that it's going to be used mostly by, well, people who live in the area and people who are here for a short-term basis.

And, again, we want to make a fun trail. We don't want to, you know, invest a lot of inventory into a structure. Were we to consider a parking area, that would certainly eat up this land and would certainly spoil, I would think, (Inaudible) in the future. Shall I unshare?

Speaker MCAULIFFE: Yes. Thank you. And Tom O'Hara.

Delegate O'HARA: Thank you, Madam Chair. One of my questions was exactly that parking, so I'm assuming you have an agreement with those abutters that you just mentioned to allow -- that would allow for parking on their parking lot for these bikers? Has that been agreed to by the property owners?

Mr. BILL BOLES: We have not approached the property owners. One might assume that if you were staying in a nearby motel that you'd be totally fine. If you were staying at the bike shop or you were parking there short-term that would be totally fine. Massachusetts law, as you probably all know, unless there is a specific signed restriction on a public parking lot in say a strip mall, people can park there.

Again, I do not see this as being a draw to people from, you know, the outside. If I were riding at Hathaway Pond or hiking there or at nearby Old Jail Lane, my parking would be taken care of. This is, you know, no, we don't have a formal agreement.

Delegate O'HARA: (Inaudible) but you don't have an agreement (Inaudible) right. And that was the first one, so you don't have any agreement with any of the abutters for additional -- for any parking allowed.

Secondly, my question is so are there pedestrian lights that would allow the people to cross those intersections? Those are very busy intersections.

Mr. BILL BOLES: Yes.

Delegate O'HARA: Both on the (Inaudible) and even from the bike shop, the sports shop to have someone try to cross that street would be -- it could be devastating, even just at the intersections. Are there any pedestrian crosswalks there?

Mr. BILL BOLES: Yes, there are. I'm happy to report --

Delegate O'HARA: There are.

Mr. BILL BOLES: -- all of those intersections that were on the map have pedestrian crosswalks with pushbutton pedestrian lights.

Delegate O'HARA: Okay.

Mr. BILL BOLES: And when you cross the street, you're on a sidewalk. When you get to the other side, you're not on the road.

Speaker MCAULIFFE: Elizabeth Harder.

Delegate HARDER: Thank you. I just wanted to attest to that. During the lockdown, there's a BJ's, a Stop & Shop, a Dunkin' Donuts in that area as well, and I have walked around there a lot and it's very safe. So I just wanted to attest that it is safe to get from many, many parking spaces that are unused to the spot where the trail would be.

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

Delegate KILLION: Yes, you did, Madam Speaker. Just a question and maybe Jack could answer; I'm not sure. But in the memorandum of understanding, you have six declarations in there and in one and four the County agrees to partner with your organization. But in the fifth one, "We agree to work cooperatively." Is there a reason those are worded differently in those particular points?

Mr. BILL BOLES: I really can't answer that authoritatively. I will say that if the County came to us and said hey, you know, we're really unhappy with this, close it down; we would. Or if the County came to us and said, you know, we'd like to see you do this with it; we would.

As Jack mentioned, if for any reason, you know, you felt that the trail was unsuccessful or a burden on the County, you can close it down in six months. We are

talking about a walking path through the woods that's eight feet wide and is going to be made, basically, with a giant lawnmower. It's, you know, not really a big deal.

Delegate KILLION: So, Jack, can you say why we're partnering for some aspects or working cooperatively with them with others? Is there a reason it was worded that way?

Administrator JACK YUNITS: I think -- I see Bob Troy is with us, and Bob wrote it up. So could you answer that question, Bob?

Speaker MCAULIFFE: Bob Troy. He's still logged on. I don't --

Administrator JACK YUNITS: Yeah.

County Counsel ROBERT TROY: Am I on? Can you hear me?

Speaker MCAULIFFE: Yes, you're on.

Administrator JACK YUNITS: Yes, you're on.

County Counsel ROBERT TROY: Okay. Sorry. I was (Indiscernible) muted. Yes, can you rephrase the question, Delegate Killion?

Delegate KILLION: Sure. With those six declarations in the memorandum of understanding, its numbers 1 and 4 where any MBA is going to partner with the County, but in Item No. 4, "We're going to work cooperatively." And I was just wondering what the distinction was in those declarations?

County Counsel ROBERT TROY: We used a prototype form and, you know, I made adjustments as I thought were necessary to protect the County. But with respect to the working cooperatively, it seemed to me the County had no reason not to agree to do that. I mean that's -- the product of the entire thing is a joint effort between the County and the proposed development.

So in my view, I didn't see any reason to change that particular paragraph about working cooperatively. So I don't think there was any particular distinction.

Delegate KILLION: Okay. So there is no distinction between partnering with them and working cooperatively with them?

County Counsel ROBERT TROY: No, not as I see it.

Delegate KILLION: Okay. I was just curious. Thank you, very much.

Administrator JACK YUNITS: Thanks, Bob.

Speaker MCAULIFFE: All right. Yes, Mary Chaffee.

Delegate CHAFFEE: Thank you, Madam Speaker. I just want to say that I support this. This seems to be a sound, light use of land that's not being used right now. We know that American society is sedentary. We know that over the last four months people have been seeking recreational opportunities, and because we literally can reclaim this parcel if we need it, I think it's a good plan.

Speaker MCAULIFFE: Thank you. Brian O'Malley.

Delegate O'MALLEY: Thank you, Madam Speaker. I also want to say that I am completely behind this. I think it's a great idea for all the reasons we just alluded to. My concerns as articulated are simply make sure we get this right for parking.

The second one is given that this is County-owned land, the enforcement of a nonmotorized vehicle use is going to be up to who? Is that going to be Barnstable town police? If somebody goes in there with a dirt bike and starts ripping the trails up, because I know it happens, it destroys them. Whose responsibility would that be to see to it that it's nonmotorized only?

Speaker MCAULIFFE: Jack.

Administrator JACK YUNITS: Yeah, I think that -- I'd probably ask Bill to weigh in on that because the --

Speaker MCAULIFFE: Okay.

Administrator JACK YUNITS: -- one of the things about NEMBA is that the state has given conservation bike trails a lot of leeway in terms of legalities. And I would think that NEMBA would take that upon themselves to notify local police but let Bill address that.

Speaker MCAULIFFE: Yes.

Mr. BILL BOLES: Yes, absolutely. New England Mountain Bike Association has a nonmotorized policy on all of our trails. Anything that we build -- we build town conservation land, trustees land, also has nonmotorized policy. I agree with you that it is difficult to keep motors out, but, you know, we're more than willing to post it in any way that the committee -- the Commission would like, and we will put up a sign to that effect. If you guys don't give us direction, we'll use signage that we've used in other places as to who would enforce. Good question. Who enforces it when there's somebody riding around in Old Jail Lane now? It's the Town of Barnstable but, really, one of the neat things about getting more people out onto trails, when people are doing the wrong thing, they're observed, and nobody likes having a finger pointed at them.

In the Trail of Tears, which is now officially the West Barnstable Conservation Area, because we didn't like that name, there's very, very little motorized use because it's very crowded. Other places in the Town of Sandwich that don't have a lot of people out on the trails, there is ATV and motorcycle use. This is an incredibly small parcel of land. As I alluded to earlier, it's not going to be a destination. And since there's no legal place anywhere near where people can ride a dirt bike or ATV, I really don't see people getting in there with motorized vehicles. If it becomes a problem, we'll do whatever we can to try and solve the problem.

Speaker MCAULIFFE: Thank you. Any other questions or comments from Bill or Lev or Jack? Seeing none. This is a Public Hearing.

Is there anyone from the public who would like to comment on this proposal? Okay. Everybody's muted so I would assume you would unmute yourself if you wanted to -- Molly Waterhouse, are you wanting to comment on this -- on the bike path?

Ms. MOLLY WATERHOUSE: I actually had a comment on a different topic.

Speaker MCAULIFFE: Okay. That would be next after the hearing.

Ms. MOLLY WATERHOUSE: Okay.

Speaker MCAULIFFE: Anyone else? I don't see pictures so I don't know. Okay. This is very unsatisfactory. I can't see people and I don't know if anyone wants to speak.

So I am going to now close the hearing on Proposed Ordinance 20-16, which is the ordinance agreement for recreational trails on County property.

And then when we convene in a few minutes, it will be taken up for a vote at that time.

Our next item on the agenda, are there any communications from public officials? Okay. Seeing none....

Comments from Members of the Public

Speaker MCAULIFFE: Now, any communications, general communications from members of the public? That would be you -- yes. I'm trying to unmute. Hold on. Okay.

Thank you. You're unmuted.

Ms. MOLLY WATERHOUSE: All right. Thank you, so much. I would just like to thank Madam Speaker and the Assembly of Delegates for allowing me to speak today. I initially wanted to come today to speak out against the solar project at the County Farm. After hearing the lengthy discussion that you've had today, I'm really pleased that the solar project is not moving forward.

The first thing I'd like to say is that I strongly believe that we need to bolster our renewable resources. And as the mother of young children, I am particularly concerned about our climate's ability. However, I also think that we have a responsibility to maintain the history and the beauty of Cape Cod, and that we should not implement green ideas in a way that jeopardizes our existing Natural Resources.

Frankly, I think that the fact that the back acreage of the County Farm was considered for a large-scale project, I think that it's unacceptable. I have read the conservation restriction very closely and the County Farm is strictly protected.

Conservation restriction bars any structures from being built. It bars any commercial or industrial business, but it also protects the environmental system and the scenic enjoyment of the area. This protection would not be possible with the construction of solar on the back acreage even if it was dual usage. At no point now or in the future should the back acreage of the County Farm be in consideration for a project like this.

Cape Cod has many spaces and structures that are historical and irreplaceable and the County Farm is one of those places. We should jealously guard the natural beauty of Cape Cod while trying to find other ways to support green energy. We have a responsibility to our children and our future generations to leave them with a sustainable energy plan, but we also have a responsibility to them to leave them beautiful open spaces to cherish.

I really appreciate you letting me speak here today, and I appreciate your thoughtful conversation on this topic.

Speaker MCAULIFFE: Thank you, very much, Molly. Is there anyone else who can unmute or put up a picture so I can unmute you if I know you want to be unmuted? Okay. Thank you.

Assembly Convenes

Speaker MCAULIFFE: That will conclude the first part of the meeting. Now we will go into the second part, which is where the Assembly convenes, and this will be for Assembly members only.

Discussion and Vote on Proposed Ordinance 20-16

To authorize the County to enter into a License Agreement with the Cape Cod Chapter of the New England Mountain Bike Association (NEMBA), on a portion of Barnstable County property near the intersection of Route 132/Phinneys Lane for a bicycle path

The Cape Cod Regional Government, known as Barnstable County, hereby ordains;

SECTION 1. Barnstable County is the owner of a certain parcel of real property located at 0 Phinneys Lane in the Town of Barnstable, Massachusetts as designated on Map/Block/Lot 274/016/X03, and whose sale to the County by the Commonwealth of

Massachusetts on May 15, 1991 is recorded with the Barnstable County Registry of Deeds in Book 7523, Page 9

SECTION 2. The New England Mountain Bike Association (NEMBA) agrees to design and construct multi-use recreational trails within Barnstable County's Real Estate

SECTION 3. Section 2-8, Exercise of Powers, (d) Acts Required by Ordinance, (vii), of the Barnstable County Home Rule Charter requires that prior to the Board of Regional Commissioners entering into a License Agreement that such a License Agreement must be approved by Ordinance.

SECTION 4. The Barnstable County Assembly of Delegates hereby authorizes the Board of Regional Commissioners to enter into the License Agreement with NEMBA as more fully described in the License Agreement, attached and considered a part of this ordinance.

[including Memo of Understanding]

Speaker MCAULIFFE: The first item will be the discussion and vote on the ordinance we just had a hearing on which is 20-16, the license agreement for recreational trails on County property.

Is there a motion to put the ordinance on the table?

Delegate O'MALLEY: So moved.

Speaker MCAULIFFE: Is there a second?

Delegate OHMAN: Seconded.

Speaker MCAULIFFE: All right. So it's moved and seconded. Any further comments, conversation, discussion? Seeing none.

Will the Clerk please call the vote?

Roll Call Vote on Proposed Ordinance 20-16

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, Proposed Ordinance 20-16 passes with 84.46 percent of the Delegates voting yes; 15.54 percent are absent, now known as Ordinance 20-09.

Ordinance 20-09

To authorize the County to enter into a License Agreement with the Cape Cod Chapter of the New England Mountain Bike Association (NEMBA), on a portion of Barnstable County property near the intersection of Route 132/Phinneys Lane for a bicycle path

The Cape Cod Regional Government, known as Barnstable County, hereby ordains;

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[including Memo of Understanding]

Speaker MCAULIFFE: Thank you, everyone.

The next item would be committee reports. I don't believe we've had any committee meetings.

So we will move to report from the Clerk.

Clerk O'CONNELL: Madam Speaker, I'm all set. I don't have anything to report today.

Summary of Other Business

- **Assembly appointed Douglas Brown to fill the vacant seat as the Falmouth Delegate.**
- **Delegate Linda Zuern from Bourne announced she would not be seeking reelection in November.**
- **Delegate Green and Delegate Harder expressed interest in receiving an in-depth presentation on audits with materials received in advance of the meeting.**

Speaker MCAULIFFE: Okay. Our next business under other business is a discussion and potential vote regarding the Falmouth Delegate vacancy, and this is per the Home Rule Charter of Section 20-10, excuse me, Section 2-10.

What happened was when Delegate Moran resigned when she was elected to the Senate, the Clerk notified the Town of Falmouth by Charter; she's required to do that. That starts a clock. The Town has about three weeks in which to post and do interviews per Charter for this position, and then has 30 days to notify the Assembly of the opening.

Because of a lot of things going on whether it involved the COVID response, town meetings, Selectman meetings, some of the Town's ability to meet the deadlines in the Charter were not met.

So now that means that the Assembly then takes over this process, and we pretty much decide whether we want to fill the position or not and whether we want to vote to fill

it today or not.

My recommendation and Attorney Troy has said that as Speaker I have some latitude in terms of, you know, how we go forward because it's not really by Charter; it's more by precedent right now.

And my recommendation would be that the Town of Falmouth has identified a candidate that they would like to have represent them at the Assembly, and I believe Mr. Douglas Brown has been on your screen the whole meeting, and he is interested in being the Delegate from Falmouth. And I think because there are six months left even though they're outside of this very narrow timeframe of the Charter, there are six months left.

My recommendation would be to fill the Falmouth Delegate seat with the candidate that Falmouth had wanted to fill the seat and that would be Selectman Douglas Brown. So that would be my recommendation.

I'm happy to hear from the Assembly members what your pleasure is. Yes, Mary Chaffee.

Delegate CHAFFEE: Thank you, Madam Speaker. In the letter that we received from the Town of Falmouth, they laid out why this was a tricky time for them to meet the 21-day deadline to identify and appoint a candidate to fill Delegate Moran's vacant position.

So since the Town has signaled that they have confidence in Mr. Brown, I move that the Assembly of Delegates proceed with appointing Douglas Brown to fill the Falmouth Delegate's vacancy.

Delegate OHMAN: Second.

Speaker MCAULIFFE: Okay. And any other? I saw a couple hands up. Any other input or comments or questions? Yes, Brian O'Malley.

Delegate O'MALLEY: I would agree with the motion. I think it's quite clear that we fall outside the required 21 days, that the intent of the Falmouth Board of Selectmen to appoint Mr. Brown is pretty clear, and I think we ought it accept it and bring him aboard.

Mr. DOUGLAS BROWN: If I could?

Speaker MCAULIFFE: Linda Zuern. Doug, I want to just say one thing.

Mr. DOUGLAS BROWN: Okay.

Speaker MCAULIFFE: This is the time when only Assembly speaks.

Mr. DOUGLAS BROWN: Okay.

Speaker MCAULIFFE: We are unique in that and I probably was remiss in not asking you to speak during the public part of the meeting. But this is the time that if after the vote, I will poll the Assembly and we can suspend the rules. So we can do it that way. Okay.

But Linda Zuern first.

Delegate ZUERN: Thank you, Madam Speaker. My question is whether there was a public posting and whether any other candidates were interested in if they were interviewed as well?

Speaker MCAULIFFE: I don't -- I don't believe that there was -- I believe -- well, Janice, do you have that?

Clerk O'CONNELL: I guess what I can tell you is I have the same information that you have contained in the letter from the Town Manager. I notified them according to the Charter, and they were not able to meet the deadline.

The indication was that there was some discussion at a meeting; Doug was interested. I don't know if they had the opportunity to actually do a posting, conduct interviews, so I really have no knowledge of that nor do I police that. So the information that I have is the same information that you have.

Speaker MCAULIFFE: Okay. So, regardless they're outside the deadline. So regardless of their format, it's moot at this point because even if they had done all that, it would be outside the deadline. So it would be our decision at this point.

Anyone else? Yes, John Ohman.

Delegate OHMAN: Madam Speaker, thank you. I think it's incredibly important that Falmouth has a seat at the table. I mean this a big year and there's a lot going on. And due to extenuating circumstances, they could not meet that incredibly tight deadline. I would highly support -- I seconded it -- that we take a vote affirmatively for Mr. Brown for the next six months.

Speaker MCAULIFFE: Elizabeth Harder.

Delegate HARDER: Thank you, Madam Speaker. As I understand it, there are two ways -- people that either get appointed. If they miss the deadline, then it's up to the Assembly. And so in order not to mess with precedent or set a bad precedent, I agree with the way Mary phrased it where we appoint -- the Assembly appoints Doug Brown, Douglas Brown.

Speaker MCAULIFFE: Anyone else? Okay. So we will have a vote. It will be roll call.

Clerk O'CONNELL: And Madam Speaker, just so everyone is clear, this is not a weighted vote. This is a one person, one vote.

Speaker MCAULIFFE: That's right because it is an internal structure of the Assembly.

Roll Call (non-weighted) Vote to Appoint Douglas Brown, to fill the Falmouth vacant seat, as the Falmouth Assembly Delegate through the end of the 16th Session.

Voting "YES" (12 of 14): 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).

Voting "NO" (1 of 14): Linda Zuern (9.15% - Bourne).

ABSENT (1 of 14): Deborah McCutcheon (0.93% - Truro).

Clerk O'CONNELL: Madam Speaker, Douglas Brown is appointed the Falmouth Delegate. A majority of Delegates voting 12 yes, 1 no, and 1 absent.

Speaker MCAULIFFE: Thank you. Congratulations. I would like to suspend the rules for a moment. Can I have everyone signal? I don't want to go through a vote. Everyone signal and asked Douglas Brown if he wanted to make a comment.

The DELEGATES: (Raising hands yes)

Speaker MCAULIFFE: So the group has voted to suspend the rules. It's an archaic

system and I apologize, but I'm glad you were able to make the meeting.

Delegate DOUGLAS BROWN: Great. Thank you, Mrs. Speaker. So, unfortunately, our Town was a little busy and missed the deadline. We had actually advertised and we are, actually, holding a meeting tomorrow night a little late, after the fact, and we'll see if any other applicants come along. If any do, I'll just inform them that they can reapply in six months. And if they are more qualified and, you know, they get appointed then maybe we'll switch. But this will just be a temporary thing for now.

Speaker MCAULIFFE: And if going forward you want to be the Delegate, you will have to run for election in November, and whoever shows up tomorrow if they're interested, they will have to take out nomination papers that will be due at your local clerk's office by July 21. So it's a three-week window for anyone who wants to run for the Falmouth Delegate seat.

Delegate DOUGLAS BROWN: Okay. Good to know.

Speaker MCAULIFFE: And then if no one runs, then the Board of Selectmen have the opportunity to appoint in January if no one does -- gets the paper. So it gives someone an immediate chance to run if they want to or gives a Selectmen a chance to appoint again in January.

Delegate DOUGLAS BROWN: Very well. Thank you.

Speaker MCAULIFFE: Thank you. Welcome and now to make it official, you'll need to be sworn-in by the Clerk and she'll contact you about that.

Delegate DOUGLAS BROWN: Very well. Thanks.

Speaker MCAULIFFE: All right. Is there any other "Other Business" that anyone wanted to bring forward?

Yes, Linda Zuern.

Delegate ZUERN: I just wanted to state, Madam Chairman, that I'm also not running in November. So if there's anyone else in Bourne who's interested that they still have time to take out papers as well. Thank you.

Speaker MCAULIFFE: It is a three-step -- excuse me a three-week timeline and a two-step process. You have to go to your Town Clerk to certify the 20 signatures, then you take the papers to the County Clerk and that would be Janice O'Connell who's the Assembly Clerk and the County Clerk and to be submitted for the ballot.

When you submit to the County Clerk, you need a Statement of Financial Interest. It's an SFI form that you fill out online and it's rather lengthy. So people who are interested should probably take a look at that because you need to have the receipt that you filled that out. So if anyone's live streaming on that.

I wanted to ask -- we had a very brief overview on the 2019 Audit; is there any interest in having a more in-depth presentation on the audit or are people set with what the finance director presented a couple of meetings ago?

Speaker MCAULIFFE: Yes, Lilli-Ann.

Delegate GREEN: I would really appreciate an in-depth presentation with the presentation beforehand so we can really look at it and formulate some good questions if we so choose. Thank you.

Speaker MCAULIFFE: Thank you. And that is part of our Charter responsibility. Yes, Elizabeth.

Delegate HARDER: If we're going to do that, I agree, but we should get the audit

way in advance so that we really have time to look at it, and that gives Elizabeth a lot of time because with all the COVID challenges and trying to make the budget work right now, I would think she would need a lot of notice to be able to go over it with us. So I would ask that we make sure that she has enough time to prepare with everything else she's dealing with right now. Thanks.

Speaker MCAULIFFE: Thank you. As far as I'm concerned, a personal comment; I feel it's unfortunate that the request to the task force generated a negative reaction with Senator Cyr. I'm surprised and I'm not looking to cause trouble or create trouble or get into trouble; I think that as elected officials we all work together, and we all are trying to represent our constituents. So, I think that this has become a, unfortunately, a bigger, you know, a bigger issue than it really needed to. But I also think that we, as bad as things are, as stressed as people are, as hard as things are, we're all trying to do the best we can to represent our constituents.

I'm going to take a motion for adjournment. Anyone?

Delegate OHMAN: So moved.

Speaker MCAULIFFE: We're adjourned.

Whereupon, it was moved and seconded to adjourn the Assembly of Delegates at 5:35 p.m.

Submitted by:

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

List of materials used at the meeting:

- **Business Calendar of 7/1/20**
- **Unapproved Journal of Proceedings of 6/17/20**
- **Public Hearing Notice for Proposed Ordinances 20-16**
- **Proposed Ordinances 20-16**
- **Memo of Understanding for Proposed Ordinance 20-16**
- **Property location map for Proposed Ordinance 20-16**
- **Letter from Falmouth Town Manager regarding Douglas Brown**
- **County Counsel memo and opinion regarding Charter Section 2-10**
- **Copy of Charter Section 2-10**